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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 08, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the December 18, 2013 minutes.

(4) **APPEAL NO. 13-135**

MICHAEL SHAFFER & RICHARD TSAI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	801 & 803 Kansas Street. Protesting the ISSUANCE on October 09, 2013, to Chris Cobb, Alteration Permit (repair/replace existing stairway and porch at rear of building; new decking for required means of egress; add firewall; provide new support footings to porch and stairway; comply with NOV No. 200996781 and 200790973). APPLICATION NO. 2012/10/30/3118. FOR HEARING TODAY.

(5) **APPEAL NO. 13-143**

SELENE TOY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	819 Brussels Street. Protesting the ISSUANCE on October 24, 2013, to Guo Jin Liu, Alteration Permit (remodel existing single family house and rear horizontal extension 2-story & garden tool room on ground floor to back yard; with street level 2 bedroom, study room, playroom and one full bath room, upper floor add a master bedroom with full bath room). APPLICATION NO. 201304174760S. FOR HEARING TODAY.

(6) **APPEAL NO. 13-157**

GRINLING MACCLELLAND, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	276 Francisco Street. Appealing the DENIAL on October 28, 2013, of Tree Removal Permit (removal of one (1) privately-maintained street tree with replacement adjacent to the subject property). ORDER NO. 181790. FOR HEARING TODAY.

(7) **JURISDICTION REQUEST:**

Subject property at 2508 – 19th Avenue. Letter from Eva Tang, requestor, asking that the Board take jurisdiction over BPA No. 2013/06/21/0186, which was issued on June 21, 2013; the appeal period ended on July 08, 2013 and the jurisdiction request was filed at the Board office on July 11, 2013. Permit Holder: Hui Cory Yu. Project: recommencement and completion of work approved under BPA No. 2002/03/13/1301 (to erect a three-story single-family dwelling).

ITEMS (8A) AND (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 13-094**

EDDY LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2508 - 19th Avenue. Protesting the ISSUANCE on July 16, 2013, to Hui Cory Yu, Alteration Permit (to obtain final inspection for work approved under BPA No. 2005/05/16/2573; all work is completed) APPLICATION NO. 2013/07/16/1907. FOR HEARING TODAY.

(8B) **APPEAL NO. 13-167**

EVA TANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2508 - 19th Avenue. Protesting the ISSUANCE on December 03, 2013, to Hui Yu, Alteration Permit (revision to BPA No. 2002/03/13/1301; change foundation design to "mat" foundation; revision to BPA No. 2013/06/21/0186). APPLICATION NO. 2013/11/05/1188. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Jan. 03, 2014**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	**PRESIDENT**
ANN LAZARUS	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
DARRYL HONDA	**COMMISSIONER**
ARCELIA HURTADO	**COMMISSIONER**

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other

parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

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DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

JAN 16 2014

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 8, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Honda welcomed back Zoning Administrator Scott Sanchez and thanked Corey Teague for his service as Acting Zoning Administrator.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the December 18, 2013 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the December 18, 2013 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 13-135**

MICHAEL SHAFFER & RICHARD TSAI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	801 & 803 Kansas Street. Protesting the ISSUANCE on October 09, 2013, to Chris Cobb, Alteration Permit (repair/replace existing stairway and porch at rear of building; new decking for required means of egress; add firewall; provide new support footings to porch and stairway; comply with NOV No. 200996781 and 200790973). APPLICATION NO. 2012/10/30/3118. FOR HEARING TODAY.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to continue this matter to February 5, 2014 to allow time for revised plans to be submitted.

SPEAKERS: Michael Shaffer, appellant.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 13-143**

SELENE TOY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	819 Brussels Street. Protesting the ISSUANCE on October 24, 2013, to Guo Jin Liu, Alteration Permit (remodel existing single family house and rear horizontal extension 2-story & garden tool room on ground floor to back yard; with street level 2 bedroom, study room, playroom and one full bath room, upper floor add a master bedroom with full bath room). APPLICATION NO. 201304174760S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Patrick Wong, agent for appellant (through interpreter David Yeh); Carson Yu, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 13-157**

GRINLING MACCLELLAND, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	276 Francisco Street. Appealing the DENIAL on October 28, 2013, of Tree Removal Permit (removal of one (1) privately-maintained street tree with replacement adjacent to the subject property). ORDER NO. 181790. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue the matter to January 29, 2014 to allow time for the Department of Public Works (DPW) to assess whether two trees can be planted at the property.

SPEAKERS: Grinling MacClelland, appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(7) **JURISDICTION REQUEST:**

Subject property at 2508 – 19th Avenue. Letter from Eva Tang, requestor, asking that the Board take jurisdiction over BPA No. 2013/06/21/0186, which was issued on June 21, 2013; the appeal period ended on July 08, 2013 and the jurisdiction request was filed at the Board office on July 11, 2013. Permit Holder: Hui Cory Yu. Project: recommencement and completion of work approved under BPA No. 2002/03/13/1301 (to erect a three-story single-family dwelling).

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request.

SPEAKERS: Eva Tang, requestor; Javier Solorzano, agent for permit holder.

PUBLIC COMMENT: None.

ITEMS (8A) AND (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 13-094**

EDDY LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2508 - 19th Avenue. Protesting the ISSUANCE on July 16, 2013, to Hui Cory Yu, Alteration Permit (to obtain final inspection for work approved under BPA No. 2005/05/16/2573; all work is completed) APPLICATION NO. 2013/07/16/1907. FOR HEARING TODAY.

(8B) **APPEAL NO. 13-167**

EVA TANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2508 - 19th Avenue. Protesting the ISSUANCE on December 03, 2013, to Hui Yu, Alteration Permit (revision to BPA No. 2002/03/13/1301; change foundation design to "mat" foundation; revision to BPA No. 2013/06/21/0186). APPLICATION NO. 2013/11/05/1188. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeals and uphold the permits on the condition that (1) the construction permit set of drawings be provided to the appellants; and (2) the agreed upon 24" between the bottom of the permit holder's new footing and the bottom of the installed underpinning of the appellant's property be maintained.

SPEAKERS: Eddy Lau, appellant; Patrick Buscovich, agent for appellants; Javier Solorzano, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 7:30 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 15, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 08, 2014 minutes.

(4) **REHEARING REQUEST:**

Subject property at 1532 Cole Street. Letter from David Polatnick, appellant, requesting rehearing of Appeal No. 13-140, Polatnick vs. DBI, PDA, decided December 18, 2013. At that time, the Board voted 5-0 to uphold the subject permit on the basis that the Planning Department's determination on height is accurate, and on a further basis that the structure is Code compliant. Permit Holders: Andrea Higgins & Peter Chung. Project: addition of new office space in rear yard below associated patio at natural grade; demo exterior rear wall; BPA No. 2013/04/26/5579S.

ITEMS (5A), (5B), (5C), & (5D) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 13-095**

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(5B) **APPEAL NO. 13-096**

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(5C) **APPEAL NO. 13-097**

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(5D) **APPEAL NO. 13-098**

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(6) **APPEAL NO. 13-158**

LINUS OHA, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, Respondent	Appealing the REVOCATION on November 01, 2013, of Ramp Taxi Medallion No. 9060 and Color Scheme Permit for "Best Cab". FOR HEARING TODAY.

ITEMS (7A), (7B) AND (7C) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 13-160**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	194 & 210 Randall Street. Appealing the DENIAL on November 04, 2013, of SURFACE MOUNTED FACILITY PERMIT (installation of two surface mounted facility cabinets). APPLICATION NOS. 13SMF-0021 & 13SMF-0036. FOR HEARING TODAY.

(7B) **APPEAL NO. 13-161**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	346 Rolph Street. Appealing the DENIAL on November 04, 2013, of SURFACE MOUNTED FACILITY PERMIT (installation of one surface mounted facility cabinet). APPLICATION NO. 13SMF-0086. FOR HEARING TODAY.

(7C) **APPEAL NO. 13-162**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	620 Buchanan Street. Appealing the DENIAL on November 04, 2013, of SURFACE MOUNTED FACILITY PERMIT (installation of one surface mounted facility cabinet). APPLICATION NO. 13SMF-0112. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **Jan. 10, 2014**

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ARCELIA HURTADO	**COMMISSIONER**

PROCEDURE AT HEARINGS

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of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 15, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Jarvis Murray, Enforcement and Legal Affairs Manager, Municipal Transportation Agency Division of Taxis and Accessible Services (SFMTA); Scott Leon, Investigator, SFMTA; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

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(1) **PUBLIC COMMENT:**

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PUBLIC COMMENT: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 8, 2014 minutes.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to adopt the January 8, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) REHEARING REQUEST:

Subject property at 1532 Cole Street. Letter from David Polatnick, appellant, requesting rehearing of Appeal No. 13-140, Polatnick vs. DBI, PDA, decided December 18, 2013. At that time, the Board voted 5-0 to uphold the subject permit on the basis that the Planning Department's determination on height is accurate, and on a further basis that the structure is Code compliant. Permit Holders: Andrea Higgins & Peter Chung. Project: addition of new office space in rear yard below associated patio at natural grade; demo exterior rear wall; BPA No. 2013/04/26/5579S.

ACTION: Upon motion by President Hwang, the Board voted 5-0 to deny the request.

SPEAKERS: Jace Levinson, agent for requestor; Todd Ernez, agent for permit holder; Rodrigo Santos, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ITEMS (5A), (5B), (5C), & (5D) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 13-095**

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(5B) **APPEAL NO. 13-096**

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(5C) **APPEAL NO. 13-097**

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(5D) **APPEAL NO. 13-098**

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 5-0 to continue this matter to February 26, 2014 to allow the parties time to submit briefs on the Housing Accountability Act and its application to the project at issue and to these appeals.

SPEAKERS: Mary Gallagher, agent for appellant The Marsh; Steven Williams, attorney for appellant Alicia Gamez; Andrew Junius, attorney for permit holder; Mark Rutherford, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Elizabeth Zitrin, Barbara Gersh, Blair Moser, Candace Roberts, Annette Roman, Dan Biewener, Ady Abbot, Judy Einzig, Sophia Green, Echo Brown, David Nowlin, Josh Kornbluth, Risa Teitelbaum, Kenny Yun, Lynne Lombardo, John Barbey, Kurt Bodden, Judy Kurtz, David Fuchs, Wayne Harris and Gene Gore spoke in support of the appellants. Tim Colen, Jeffrey Yasskin, Manish Champsee and Anthony Ryan spoke in support of the permit holder.

(6) **APPEAL NO. 13-158**

LINUS OHA, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, Respondent	Appealing the REVOCATION on November 01, 2013, of Ramp Taxi Medallion No. 9060 and Color Scheme Permit for "Best Cab". FOR HEARING TODAY.

ACTION: Upon motion by Vice President Lazarus, the Board voted 5-0 to deny the appeal and uphold the revocations.

SPEAKERS: Heidi Machen, attorney for appellant; Jarvis Murray, SFMTA; Scott Leon, SFMTA.

PUBLIC COMMENT: None.

ITEMS (7A), (7B) AND (7C) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 13-160**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	194 & 210 Randall Street. Appealing the DENIAL on November 04, 2013, of SURFACE MOUNTED FACILITY PERMIT (installation of two surface mounted facility cabinets). APPLICATION NOS. 13SMF-0021 & 13SMF-0036. FOR HEARING TODAY.

(7B) **APPEAL NO. 13-161**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	346 Rolph Street. Appealing the DENIAL on November 04, 2013, of SURFACE MOUNTED FACILITY PERMIT (installation of one surface mounted facility cabinet). APPLICATION NO. 13SMF-0086. FOR HEARING TODAY.

(7C) **APPEAL NO. 13-162**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	620 Buchanan Street. Appealing the DENIAL on November 04, 2013, of SURFACE MOUNTED FACILITY PERMIT (installation of one surface mounted facility cabinet). APPLICATION NO. 13SMF-0112. FOR HEARING TODAY.

ACTION: Upon motion by President Hwang, the Board voted 4-1 (Commissioner Fung dissented) to reject the appeals and refund the filing fees on the basis of lack of subject matter jurisdiction.
SPEAKERS: Marc Blakeman, agent for appellant; John Kwong, DPW BSM.

PUBLIC COMMENT: Ron Blum and Gail Baugh spoke in support of the Department.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 8:15 p.m.

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for Jan. 22, 2014. The next regular meeting is scheduled for **WEDNESDAY, JANUARY 29, 2014**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

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cancelled

Sincerely,

BOARD STAFF

Date Posted: **Jan. 17, 2014**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 29, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **ELECTION OF OFFICERS:**

(3) **COMMISSIONER COMMENTS & QUESTIONS:**

(4) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 15, 2014 minutes.

(5) **APPEAL NO. 13-157**

GRINLING MACCLELLAND, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	276 Francisco Street. Appealing the DENIAL on October 28, 2013, of Tree Removal Permit (removal of one (1) privately-maintained street tree with replacement adjacent to the subject property). ORDER NO. 181790. PUBLIC HEARING HELD ON JAN. 08, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DPW to research the feasibility of planting two replacement trees.**

(6) **APPEAL NO. 13-133**

KAREN GALVES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1150-1152 Geneva Ave. Protesting the ISSUANCE on October 10, 2013, to Christ C. Christ, Alteration Permit (install half-bath in existing light well). APPLICATION NO. 2013/10/09/8899. PUBLIC HEARING HELD ON DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow the permit holder to obtain the required consent from adjacent neighbors or for Planning staff to perform neighborhood notification.**

(7) **APPEAL NO. 13-139**

JULIO CASTILLO dba "JULIE'S HOT DOGS", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	4111 - 18th Street. Appealing the DENIAL on October 16, 2013, of Mobile Food Facility Permit (denial of permit application due to non-response by applicant; for sale of hot dogs, chips, sodas and energy drinks). APPLICATION NO. 12MFF-0030. FOR HEARING TODAY.

(8) **APPEAL NO. 13-159**

YSABEL NAVARRO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	480 Amherst Street. Appealing the ISSUANCE on November 05, 2013, of Penalty (imposition of penalty for construction work done without a permit). APPLICATION NO. 2013/11/05/1183 FOR HEARING TODAY.

(9) **APPEAL NO. 13-076**

JEFFREY KELLY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	340 - 31st Avenue. Protesting the issuance on June 12, 2013, to Recreation & Park Department, Demolition Permit (demolish one story type 5 restroom building) at 340 - 31st Avenue. APPLICATION NO. 2012/10/22/2522. FOR HEARING TODAY.

(10) **APPEAL NO. V13-166**

NOB HILL NEIGHBORS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1601 Larkin Street. Protesting the GRANTING on November 15, 2013, to Pacific Polk Properties, Rear Yard, Usable Open Space and Dwelling Unit Exposure Variances (demolish existing vacant church and surface parking lot, and construct a new five-story over basement building with 27 dwelling units and 32 off-street parking spaces). CASE NO. 2013.0980CEV. FOR HEARING TODAY.

(11) **APPEAL NO. 13-170**

SULPICIO MARIANO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Day Street. Protesting the ISSUANCE on October 16, 2013, to Martin Slattery, Alteration Permit (new retaining wall at rear; interior remodel; new roof deck with 30" high parapet; new skylight - revision to PA#201110176930, PA #201307262916, PA #201110176930 to provide compliance with NOV. 200670115). APPLICATION NO. 2013/10/03/8437. FOR HEARING TODAY.

(12) **CLOSED SESSION:**

a. Public Comment on all matters related to Closed Session.

b. Vote on whether to hold Closed Session.

A Closed Session has been calendared to discuss the following matter:

Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(d)(2) and San Francisco Administrative Code Section 67.10(d):

___X_____As defendant _____ As plaintiff

The following appeals have been filed with the Board of Appeals: The Marsh v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-095), The Marsh v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-096), Alicia Gamez v. Department of Building Inspection, Planning Department Approval (Appeal

No. 13-097), Alicia Gamez v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-098). The Project sponsor has argued that the Housing Accountability Act prevents the removal of the fifth floor of the proposed project, which is a condition to a permit tentatively approved by the Board at its December 11, 2013 hearing on the aforestated appeals. The Board will confer with legal counsel on this matter.

c. Reconvene in Open Session

i. Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

ii. Vote in open session on whether to disclose any or all closed session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Jan. 24, 2014**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 29, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Kevin Guy, Planner, Planning Department (PD); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Chris Hwang.

(1) **PUBLIC COMMENT:**

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PUBLIC COMMENT: None.

(2) **ELECTION OF OFFICERS:**

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to reschedule this item to February 19, 2014 to allow all Board members to participate.

(3) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(4) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 15, 2014 minutes.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to adopt the January 15, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 13-157**

GRINLING MACCLELLAND, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	276 Francisco Street. Appealing the DENIAL on October 28, 2013, of Tree Removal Permit (removal of one (1) privately-maintained street tree with replacement adjacent to the subject property). ORDER NO. 181790. PUBLIC HEARING HELD ON JAN. 08, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DPW to research the feasibility of planting two replacement trees.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to grant the appeal, overturn the department and allow the removal of the tree on the condition that two (2) replacement trees be planted with the species to be selected by the Department of Public Works.

SPEAKERS: Carla Short, DPW BUF; Grinling MacClelland, appellant.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 13-133**

KAREN GALVES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1150-1152 Geneva Ave. Protesting the ISSUANCE on October 10, 2013, to Christ C. Christ, Alteration Permit (install half-bath in existing light well). APPLICATION NO. 2013/10/09/8899. PUBLIC HEARING HELD ON DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow the permit holder to obtain the required consent from adjacent neighbors or for Planning staff to perform neighborhood notification.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to grant the appeal and condition the permit on the incorporation of supplemental drawings dated January 16, 2014 submitted by the permit holder.

SPEAKERS: Karen Galves, appellant; Chris Christ, permit holder.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 13-139**

JULIO CASTILLO dba "JULIE'S HOT DOGS", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	4111 - 18th Street. Appealing the DENIAL on October 16, 2013, of Mobile Food Facility Permit (denial of permit application due to non-response by applicant; for sale of hot dogs, chips, sodas and energy drinks). APPLICATION NO. 12MFF-0030. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to reject the appeal and to refund the filing fee based on a lack of subject matter jurisdiction.

SPEAKERS: Julio Castillo, appellant; John Kwong, DPW BSM.

PUBLIC COMMENT: Adam Levin spoke in support of the department.

(8) **APPEAL NO. 13-159**

YSABEL NAVARRO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	480 Amherst Street. Appealing the ISSUANCE on November 05, 2013, of Penalty (imposition of penalty for construction work done without a permit). APPLICATION NO. 2013/11/05/1183 FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to grant the appeal and reduce the penalty to two times the permit fee based on the fact that the appellant never needed to apply for a building permit before and it was an honest mistake.

SPEAKERS: Ysabel Navarro, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 13-076**

JEFFREY KELLY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	340 - 31st Avenue. Protesting the issuance on June 12, 2013, to Recreation & Park Department, Demolition Permit (demolish one story type 5 restroom building) at 340 - 31st Avenue. APPLICATION NO. 2012/10/22/2522. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Hwang absent) to reschedule this matter to February 19, 2014 to allow time for the Arts Commission to review the project.

SPEAKERS: Jeffrey Kelly, appellant; Marvin Yee, agent for permit holder.

PUBLIC COMMENT: None.

(10) **APPEAL NO. V13-166**

NOB HILL NEIGHBORS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1601 Larkin Street. Protesting the GRANTING on November 15, 2013, to Pacific Polk Properties, Rear Yard, Usable Open Space and Dwelling Unit Exposure Variances (demolish existing vacant church and surface parking lot, and construct a new five-story over basement building with 27 dwelling units and 32 off-street parking spaces). CASE NO. 2013.0980CEV. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to deny the appeal and uphold the variances on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Linda Chapman, agent for appellant; John McInerney, agent for variance holder; Gordon Eagan, agent for variance holder; Kevin Guy, PD; Scott Sanchez, ZA.

PUBLIC COMMENT: Hiroshi Fukuda spoke in support of the appellant. Lizbeth Gordon, Frank Cannata and Andrew Cussen spoke in support of the Zoning Administrator.

(11) **APPEAL NO. 13-170**

SULPICIO MARIANO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	530 Day Street. Protesting the ISSUANCE on October 16, 2013, to Martin Slattery, Alteration Permit (new retaining wall at rear; interior remodel; new roof deck with 30" high parapet; new skylight - revision to PA#201110176930, PA #201307262916, PA #201110176930 to provide compliance with NOV. 200670115). APPLICATION NO. 2013/10/03/8437. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (President Hwang absent) to deny the appeal and uphold the permit because it is Code compliant.

SPEAKERS: Sulpicio Mariano, appellant; Rodrigo Santos, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(12) **CLOSED SESSION:**

a. Public Comment on all matters related to Closed Session.

b. Vote on whether to hold Closed Session.

A Closed Session has been calendared to discuss the following matter:

Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(d)(2) and San Francisco Administrative Code Section 67.10(d):

____X_____As defendant _____ As plaintiff

The following appeals have been filed with the Board of Appeals: The Marsh v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-095), The Marsh v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-096), Alicia Gamez v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-097), Alicia Gamez v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-098). The Project sponsor has argued that the Housing Accountability Act prevents the removal of the fifth floor of the proposed project, which is a condition to a permit tentatively approved by the Board at its December 11, 2013 hearing on the aforestated appeals. The Board will confer with legal counsel on this matter.

c. Reconvene in Open Session

i. Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

ii. Vote in open session on whether to disclose any or all closed session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to move into closed session. The Board held a closed session. The Board reconvened in open session. The Executive Director stated that no action was taken in the closed session. Upon further motion by Commissioner Hurtado, the Board voted 4-0-1 (President Hwang absent) to not disclose what was discussed in the closed session on the basis of attorney-client privilege.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, Vice President Lazarus adjourned the meeting at 8:15 p.m.

01-31-14P02:46 RC

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 05, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 29, 2014 minutes.

(4) **APPEAL NO. 13-135**

MICHAEL SHAFFER & RICHARD TSAI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	801 & 803 Kansas Street. Protesting the ISSUANCE on October 09, 2013, to Chris Cobb, Alteration Permit (repair/replace existing stairway and porch at rear of building; new decking for required means of egress; add firewall; provide new support footings to porch and stairway; comply with NOV No. 200996781 and 200790973). APPLICATION NO. 2012/10/30/3118. FOR HEARING TODAY.

(5) **APPEAL NO. 13-173**

IRVING ZARETSKY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2853 Broderick Street. Protesting the ISSUANCE on December 10, 2013, to Pamela Whitehead Family Trust, Minor Sidewalk Encroachment Permit (construct new warped driveway for new garage entrance that will encroach 3'-9" into the 15' public right of way; maintain existing planters fronting the subject property). PERMIT NO. 13MSE-0158. FOR HEARING TODAY.

(6) **APPEAL NO. 13-176**

PANORAMIC INTERESTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1321 Mission Street. Appealing the DENIAL on December 18, 2013, of Tree Removal Permit (denial of request to remove three [3] trees, and approval of request to remove one [1] tree). ORDER NO. 182021. FOR HEARING TODAY.

(7) **APPEAL NO. V13-174**

JERRY WEISS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	272 Upper Terrace. Protesting the GRANTING on December 16, 2013, to Neil Pernick, Rear Yard Obstruction Variance (legalize a fence at the rear property line). CASE NO. 2013.0923V. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda. Date posted: **Jan. 31, 2014**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance

may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 5, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Ann Lazarus.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the January 29, 2014 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Vice President Lazarus absent) to adopt the January 29, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 13-135**

MICHAEL SHAFFER & RICHARD TSAI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	801 & 803 Kansas Street. Protesting the ISSUANCE on October 09, 2013, to Chris Cobb, Alteration Permit (repair/replace existing stairway and porch at rear of building; new decking for required means of egress; add firewall; provide new support footings to porch and stairway; comply with NOV No. 200996781 and 200790973). APPLICATION NO. 2012/10/30/3118. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hurtado, the Board voted 4-0-1 (Vice President Lazarus absent) to grant the appeal and issue the permit with the adoption of revised plans dated January 30, 2014.

SPEAKERS: Michael Shaffer, appellant; Chris Cobb, permit holder; Dwayne Pauletich, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 13-173**

IRVING ZARETSKY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2853 Broderick Street. Protesting the ISSUANCE on December 10, 2013, to Pamela Whitehead Family Trust, Minor Sidewalk Encroachment Permit (construct new warped driveway for new garage entrance that will encroach 3'-9" into the 15' public right of way; maintain existing planters fronting the subject property). PERMIT NO. 13MSE-0158. FOR HEARING TODAY.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Vice President Lazarus absent) to continue this matter to the Call of the Chair until the suspensions of the underlying building permits are resolved.

SPEAKERS: Irving Zaretsky, appellant; Stephen Antonaros, agent for permit holder; Pamela Whitehead, permit holder; John Kwong, DPW BSM; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Nancy Leavens and Don Morehead spoke in support of the appellant; Dieter Tede spoke in support of the permit holder.

(6) **APPEAL NO. 13-176**

PANORAMIC INTERESTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1321 Mission Street. Appealing the DENIAL on December 18, 2013, of Tree Removal Permit (denial of request to remove three [3] trees, and approval of request to remove one [1] tree). ORDER NO. 182021. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Lazarus absent) to grant the appeal, overturn the department and allow the removal of four trees on the condition that they be replaced by five 60" box size trees.

SPEAKERS: Patrick Kennedy, agent for appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(7) **APPEAL NO. V13-174**

JERRY WEISS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	272 Upper Terrace. Protesting the GRANTING on December 16, 2013, to Neil Pernick, Rear Yard Obstruction Variance (legalize a fence at the rear property line). CASE NO. 2013.0923V. FOR HEARING TODAY.

ACTION: Upon motion by President Hwang, the Board voted 2-2-1 (Commissioners Hurtado and Honda dissented, Vice President Lazarus absent) to grant the appeal and overturn the Zoning Administrator on the basis that he abused his discretion with adoption of findings at a later time. Lacking the four votes needed to overturn a departmental action and with no further motion made, the variance was upheld by operation of law.

SPEAKERS: Jerry Weiss, appellant; Susan Bobulsky, variance holder; Neil Pernick, variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Marcia Weisbrot, Shirley Golub and Stephen Schwichow spoke in support of the appellant. Tagan Blake spoke in support of variance holders.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 7:30 p.m.

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for Feb. 12, 2014. The next regular meeting is scheduled for **WEDNESDAY, FEBRUARY 19, 2014**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.
Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,
BOARD STAFF

Date Posted: **Feb. 07, 2014**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 19, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the February 5, 2014 minutes.

(4) **REHEARING REQUEST:**

Letter from Heidi Machen, attorney for Linus Oha, appellant, requesting rehearing of Appeal No. 13-158, Oha vs. MTA, decided Jan. 15, 2014. At that time, the Board voted 5-0 to uphold both revocations of Ramp Taxi Medallion No. 9060 and Color Scheme Permit for "Best Cab".

(5) **APPEAL NO. 14-004**

JULIAN LAGOS, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, Respondent	Brotherhood Way between Thomas More Drive and Lake Merced Blvd. Appealing the ISSUANCE on January 07, 2014, to Arborwell, Special Traffic Permit (authorization to depart from regulations of obstructions to traffic to perform tree removal for the period between Jan. 14, 2014 to Jan. 30, 2014, Monday - Friday, 9am - 3pm). APPLICATION NO. 14-3659. FOR HEARING TODAY.

(6) **APPEAL NO. 13-144**

JOHN GALL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1049-1051 Market Street. Appealing the ISSUANCE on October 28, 2013, of a REQUEST FOR SUSPENSION (requesting that BPA No. 2013/07/26/2890 [comply with NOV No. 200711850; demolition of office walls on 1st through 5th floors; live/work only on 6th floor] be suspended so that the Planning Department may review the matter in regards to the existing and proposed uses of the subject building).

ITEMS (7A), (7B), AND (7C) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 13-163**

THE HOA FOR THE METROPOLITAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	340 Fremont Street. Protesting the ISSUANCE on November 08, 2013, to Equity Residential, Permit to Erect a Building (42-story, 348 unit residential condo building with 23,634sf of ground floor area). APPLICATION NO. 2005/09/19/3271S. FOR HEARING TODAY.

(7B) **APPEAL NO. 14-001**

THE HOA FOR THE METROPOLITAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	340 Fremont Street. Protesting the ISSUANCE on January 06, 2014, to Archstone/Jackson, Demolition Permit (demolish two-story office/parking structure with 9,487sf of ground floor area). APPLICATION NO. 2005/09/19/3264. FOR HEARING TODAY.

(7C) **APPEAL NO. 14-002**

THE HOA FOR THE METROPOLITAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	360 Fremont Street. Protesting the ISSUANCE on January 06, 2014, to Archstone/Jackson, Demolition Permit (demolish four-story B/M building with 9,487sf of ground floor area). APPLICATION NO. 2005/09/19/3267. FOR HEARING TODAY.

(9) **ADOPTION OF BUDGET:**

Discussion and possible adoption of the departmental budget for fiscal years 2014-2015 and 2015-2016.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 14, 2014**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

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SPECIAL NOTES

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 19, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Chris Hwang, Vice President Ann Lazarus, Commissioner Frank Fung and Commissioner Arcelia Hurtado.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Hanson Tom, Principal Engineer, DBI; Jarvis Murray, Enforcement and Legal Affairs Manager, Municipal Transportation Agency Division of Taxis and Accessible Services (SFMTA); Brian Dusseault, Senior Engineer, SFMTA, Division of Sustainable Streets; Norman Wong, Associate Engineer, SFMTA; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Darryl Honda

(1) **PUBLIC COMMENT:**

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PUBLIC COMMENT: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the February 5, 2014 minutes.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Honda absent) to adopt the February 5, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **REHEARING REQUEST:**

Letter from Heidi Machen, attorney for Linus Oha, appellant, requesting rehearing of Appeal No. 13-158, Oha vs. MTA, decided Jan. 15, 2014. At that time, the Board voted 5-0 to uphold both revocations of Ramp Taxi Medallion No. 9060 and Color Scheme Permit for "Best Cab".

ACTION: Upon motion by Vice President Lazarus, the Board voted 4-0-1 (Commissioner Honda absent) to deny the request.

SPEAKERS: Heidi Machen, attorney for requestor; Linus Oha, requestor; Jarvis Murray, SFMTA.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 14-004**

JULIAN LAGOS, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, Respondent	Brotherhood Way between Thomas More Drive and Lake Merced Blvd. Appealing the ISSUANCE on January 07, 2014, to Arborwell, Special Traffic Permit (authorization to depart from regulations of obstructions to traffic to perform tree removal for the period between Jan. 14, 2014 to Jan. 30, 2014, Monday - Friday, 9am - 3pm). APPLICATION NO. 14-3659. FOR HEARING TODAY.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Honda absent) to deny the appeal and uphold the permit on the basis that it was property issued and with the recommendation that SFMTA recalculate the effective dates of the permit.

SPEAKERS: Julian Lagos, appellant; Neil Woolner, agent for permit holder; Roy Leggitt, agent for permit holder; Ramon Godinez, agent for permit holder; Norman Wong, SFMTA; Brian Dusseault, SFMTA.

PUBLIC COMMENT: Nick Pasquariello, Stuart Flashman, Cathy Lentz and Jade Scleppi spoke in support of the appellant.

(6) **APPEAL NO. 13-144**

JOHN GALL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1049-1051 Market Street. Appealing the ISSUANCE on October 28, 2013, of a REQUEST FOR SUSPENSION (requesting that BPA No. 2013/07/26/2890 [comply with NOV No. 200711850; demolition of office walls on 1st through 5th floors; live/work only on 6th floor] be suspended so that the Planning Department may review the matter in regards to the existing and proposed uses of the subject building).

ACTION: This matter was withdrawn by the appellant prior to hearing.

ITEMS (7A), (7B), AND (7C) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 13-163**

THE HOA FOR THE METROPOLITAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	340 Fremont Street. Protesting the ISSUANCE on November 08, 2013, to Equity Residential, Permit to Erect a Building (42-story, 348 unit residential condo building with 23,634sf of ground floor area). APPLICATION NO. 2005/09/19/3271S. FOR HEARING TODAY.

(7B) **APPEAL NO. 14-001**

THE HOA FOR THE METROPOLITAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	340 Fremont Street. Protesting the ISSUANCE on January 06, 2014, to Archstone/Jackson, Demolition Permit (demolish two-story office/parking structure with 9,487sf of ground floor area). APPLICATION NO. 2005/09/19/3264. FOR HEARING TODAY.

(7C) **APPEAL NO. 14-002**

THE HOA FOR THE METROPOLITAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	360 Fremont Street. Protesting the ISSUANCE on January 06, 2014, to Archstone/Jackson, Demolition Permit (demolish four-story B/M building with 9,487sf of ground floor area). APPLICATION NO. 2005/09/19/3267. FOR HEARING TODAY.

ACTION: Upon motion by President Hwang, the Board voted 4-0-1 (Commissioner Honda absent) to deny the appeals and uphold the permits on the basis that they are Code compliant.

SPEAKERS: Dennis Martinez-Galarce, agent for appellant; Mark White, attorney for appellant; Denis Shanagher, attorney for permit holder; Donald Davies, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI; Hanson Tom, DBI.

PUBLIC COMMENT: Tim Colen, Timothy Reyff, David De La Torre, Joy Lam and Peter Garza spoke in support of the permit holder.

(8) **ADOPTION OF BUDGET:**

Discussion and possible adoption of the departmental budget for fiscal years 2014-2015-2016.

ACTION: Upon motion by Vice President Lazarus, the Board voted 4-0-1 (Commissioner Honda absent) to adopt the budget proposal.

SPEAKERS: Executive Director Goldstein provided the Board with an update on the current year budget and presented budget proposals for the next two fiscal years.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 8:15 p.m.

This summary statement is provided by the speaker. Its content is neither generated by, nor subject to approval or verification of accuracy by, the San Francisco Board of Appeals.

Comments submitted under Item 5: Appeal No. 14-004

From Cathy Lentz: On January 24, 2014 we wrote letters to the Urban Forest Council, Supervisor Yee, and Congresswoman Jackie Speier about the logging of Brotherhood Way being a blatant violation of the Parkmerced EIR of May 2010.Our concerns are at Code Enforcement where they have been since November 25, 2013. To date we have heard nothing from Code Enforcement. Mr. Logos' appeal on unpermitted lane closures is a narrow issue. The larger issue is the deforestation on Brotherhood Way by Parkmerced. You cannot turn your back on this. It is a travesty to the environment. We ask you uphold Mr. Logos' unpermitted lane closure appeal. Stop the deforestation of Brotherhood Way. Have Parkmerced replant the hillside. We request this letter be posted as you would minutes or other explanatory documents. We want the public to have immediate access to it. Parkmerced Action Coalition

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 26, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **ELECTION OF OFFICERS:**

(3) **COMMISSIONER COMMENTS & QUESTIONS:**

(4) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the February 19, 2014 minutes.

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(5) **CLOSED SESSION:**

a. Public Comment on all matters related to Closed Session.
b. Vote on whether to hold Closed Session.
A Closed Session has been calendared to discuss the following matter:
Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(d)(2) and San Francisco Administrative Code Section 67.10(d):

___X___ As defendant _____ As plaintiff

The following appeals have been filed with the Board of Appeals: The Marsh v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-095), The Marsh v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-096), Alicia Gamez v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-097), Alicia Gamez v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-098). The Project sponsor has argued that the Housing Accountability Act prevents the removal of the fifth floor of the proposed project, which is a condition to a permit tentatively approved by the Board at is December 11, 2013 for the aformentioned appeals. The Board will confer with legal counsel on this matter.

(5) **CLOSED SESSION (CONTINUED):**

c. Reconvene in Open Session.

i. Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

ii. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

(6) **APPEAL NO. 14-009**

CURTIS SPECK, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2701 Turk Street. Protesting the ISSUANCE on January 06, 2014, to Kiki Theodorides, Tree Removal Permit (approval to remove three trees with three replacement trees, and denial of removal of one tree). ORDER NO. 182076. FOR HEARING TODAY.

ITEMS (7A), (7B), (7C), & (7D) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 13-095**

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(7B) **APPEAL NO. 13-096**

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(7C) **APPEAL NO. 13-097**

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(7D) **APPEAL NO. 13-098**

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(8) **APPEAL NO. 13-175**

FRANKLIN BOWLES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	30 Edith Street. Protesting the ISSUANCE on December 09, 2013, to Telegraph Hill Housing, LLC, Alteration Permit (alter/remodel existing building; add one new story; make a single-family dwelling; add new stair and elevator connecting 1st to 3rd floor; provide light well at 3rd floor to match existing light well at adjacent building; roof deck at 3rd floor). APPLICATION NO. 200812319407S. FOR HEARING TODAY.

(9) **APPEAL NO. 14-008**

TY BASH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1100 Ashbury Street. Protesting the ISSUANCE on December 31, 2013, to Michelle Meyer, Alteration Permit (replace windows; work done in 2000; found out permit not issued at time; rectifying situation; in response to Notice of Violation #201342841). APPLICATION NO. 2013/12/31/5419. FOR HEARING TODAY.

(10) **APPEAL NO. V14-010**

HENRY KARNILOWICZ, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2001 - 17th Street. Appealing the DENIAL on January 16, 2014, of Rear Yard, Open Space & Parking Variances (to legalize five existing group housing rooms on 2nd floor of existing structure and legalize a separate building in the required rear yard). CASE NO. 2013.0674V. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 21, 2014**

MEMBERS OF THE BOARD OF APPEALS

CHRIS HWANG	PRESIDENT
ANN LAZARUS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
ARCELIA HURTADO	COMMISSIONER

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 26, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Arcelia Hurtado, Commissioner Frank Fung and Commissioner Darryl Honda.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Chris Hwang.

6/14

(1) **PUBLIC COMMENT:**

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PUBLIC COMMENT: None.

(2) **ELECTION OF OFFICERS:**

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Commissioner Hwang absent) to elevate Commissioner Hurtado to the office of Vice President. Upon further motion by Commissioner Honda the Board voted 4-0-1 (Commissioner Hwang absent) to elevate Vice President Lazarus to the office of President.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(3) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Vice President Hurtado announced that she will need to leave the March 12, 2014 Board meeting by 9:00 p.m.

PUBLIC COMMENT: None.

(4) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the February 19, 2014 minutes.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (Commissioner Hwang absent) to adopt the February 19, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **CLOSED SESSION:**

a. Public Comment on all matters related to Closed Session.

b. Vote on whether to hold Closed Session.

A Closed Session has been calendared to discuss the following matter:
Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(d) (2) and San Francisco Administrative Code Section 67.10(d):

___X___ As defendant _____ As plaintiff

The following appeals have been filed with the Board of Appeals: The Marsh v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-095), The Marsh v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-096), Alicia Gamez v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-097), Alicia Gamez v. Department of Building Inspection, Planning Department Approval (Appeal No. 13-098). The Project sponsor has argued that the Housing Accountability Act prevents the removal of the fifth floor of the proposed project, which is a condition to a permit tentatively approved by the Board at is December 11, 2013 for the aformentioned appeals. The Board will confer with legal counsel on this matter.

c. Reconvene in Open Session.

i. Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

ii. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (Commissioner Hwang absent) to enter into closed session. The Board held a closed session. The Board reconvened in open session. The Executive Director stated that no action was taken in the closed session. Upon further motion by Vice President Hurtado the Board voted 4-0-1 (Commissioner Hwang absent) to not disclose what was discussed during the closed session on the basis of attorney-client privilege.

SPEAKERS: None.

PUBLIC COMMENT: Stephen Williams and Peter Heinecke urged the Board to not hold a closed session.

(6) **APPEAL NO. 14-009**

CURTIS SPECK, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2701 Turk Street. Protesting the ISSUANCE on January 06, 2014, to Kiki Theodorides, Tree Removal Permit (approval to remove three trees with three replacement trees, and denial of removal of one tree). ORDER NO. 182076. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (Commissioner Hwang absent) to reschedule this matter to April 30, 2014 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (7A), (7B), (7C), & (7D) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 13-095**

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(7B) **APPEAL NO. 13-096**

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(7C) **APPEAL NO. 13-097**

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

(7D) **APPEAL NO. 13-098**

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". PUBLIC HEARING HELD DEC. 11, 2013. FOR FURTHER CONSIDERATION TODAY AND FOR THE ADOPTION OF TENTATIVE FINDINGS AND CONDITIONS.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to uphold the permits and adopt the findings with revisions as stated, on the following conditions: (1) the ground floor commercial space be limited to neighborhood serving uses as defined by the San Francisco Planning Code; (2) the original entitlement as authorized by the Planning Commission as to density be maintained; and (3) there be setbacks at the front and back of the fifth floor of 10 to 12 feet depending upon the structural design as articulated by the project sponsor.

SPEAKERS: Mary Gallagher, agent for appellant The Marsh; Stephen Williams, attorney for appellant Alicia Gamez; Mark Rutherford, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Tim Colen and Amandeep Jawa spoke in support of the permit holder. Mike Maier, Peter Heinecke, Risa Teitelbaum, Erick Arguello, Barbara Russell, John Barbey, Kenny Yun, Elizabeth Zitrin, Sue Lebeck, Elizabeth Valenzualla, Ron Jones, Alice LaRocca, Gabriel Medina, Shari Steiner, John Levin, Rafael Mandelman, Isabel Barraza, Marga Gomez, Lynne Lombardo, Blair Moser, Emily Klion, Adriane Abbot, Peter Heinecke, Joy Kent, Clarence Isaac, Alicia Gamez and Gene Gore spoke in support of the appellants.

(8) **APPEAL NO. 13-175**

FRANKLIN BOWLES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	30 Edith Street. Protesting the ISSUANCE on December 09, 2013, to Telegraph Hill Housing, LLC, Alteration Permit (alter/remodel existing building; add one new story; make a single-family dwelling; add new stair and elevator connecting 1st to 3rd floor; provide light well at 3rd floor to match existing light well at adjacent building; roof deck at 3rd floor). APPLICATION NO. 200812319407S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-2 (Commissioner Hwang absent and Commissioner Fung recused) to rescheduled this matter May 14, 2014, at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 14-008**

TY BASH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1100 Ashbury Street. Protesting the ISSUANCE on December 31, 2013, to Michelle Meyer, Alteration Permit (replace windows; work done in 2000; found out permit not issued at time; rectifying situation; in response to Notice of Violation #201342841). APPLICATION NO. 2013/12/31/5419. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-1-1 (President Lazarus dissented and Commissioner Hwang absent) to uphold the permit on the basis that it was issued

properly and Planning Department staff properly exercised its discretion under the Planning Department guidelines.

SPEAKERS: Ty Bash, appellant; Mary Gallagher, agent for permit holder; Michelle Meyer, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(10) **APPEAL NO. V14-010**

HENRY KARNILOWICZ, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2001 - 17th Street. Appealing the DENIAL on January 16, 2014, of Rear Yard, Open Space & Parking Variances (to legalize five existing group housing rooms on 2nd floor of existing structure and legalize a separate building in the required rear yard). CASE NO. 2013.0674V. FOR HEARING TODAY.

ACTION: This matter was withdrawn by the appellant prior to hearing.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:15 p.m.

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for March 05, 2014. The next regular meeting is scheduled for **WEDNESDAY, MARCH 12, 2014**, City Hall, Room 416, 5:00 pm,One Dr. Carlton B. Goodlett Place.
Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,
BOARD STAFF

Date Posted: **Feb. 27, 2014**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

5/14
cancelled

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 12, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the February 26, 2014 minutes.

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(4a) **JURISDICTION REQUEST:**

Subject property at 1228-1234 Valencia Street. Letter from Carlos Carmona, requestor, asking that the Board take jurisdiction over BPA No. 2014/01/24/6982, which was issued on Jan. 24, 2014. The appeal period ended on Feb. 10, 2014, and the jurisdiction request was filed at the Board office on Feb. 21, 2014. Permit Holder: 1234 Valencia Street LLC. Project: combine Units 1 & 2; 3rd floor Unit 2 is illegal; bring building into conformance with Code per plans; to conform with 3R report.

(4b) **REHEARING REQUESTS:**

Subject property at 340 & 360 Fremont Street. Letter from Mark White, attorney for the HOA for the Metropolitan, appellant, requesting rehearing of Appeal Nos. 13-163 and 14-001/002, decided Feb. 19, 2014. At that time, the Board voted 4-0 to uphold all three permits on the basis that they are Code compliant. Permit Holders: Equity Residential & Archstone/Jackson. **Project, 1st permit:** erect a 42-story, 348 unit residential condo building with 23,634sf of ground floor area; BPA No. 2005/09/19/3271S. **Project, 2nd permit:** demolish two-story office/parking structure with 9,487sf of ground floor area; BPA No. 2005/09/19/3264. **Project, 3rd permit:** demolish four-story B/M building with 9,487sf of ground floor area; BPA No. 2005/09/19/3267.

(4c) **REHEARING REQUEST:**

Subject property at Brotherhood Way between Thomas More Drive and Lake Merced Blvd. Letter from Julian Lagos, appellant, requesting rehearing of Appeal No. 14-004, decided Feb. 19, 2014. At that time, the Board voted 4-0 to uphold the permit on the basis it was properly issued, and with a directive to MTA to re-calculate the execution period of this permit. Permit Holder: Arborwell. Special Traffic Permit: authorization to depart from regulations of obstructions to traffic to perform tree removal for the period between Jan. 14, 2014 to Jan. 30, 2014, Monday - Friday, 9am - 3pm; APPLICATION NO. 14-3659.

(5) **APPEAL NO. 14-014**

ROSS MADDEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	150 Rivoli Street. Protesting the ISSUANCE on January 10, 2014, to Aaron Boodman, Alteration Permit (relocate existing three-story building on lot; add garage; new three-story addition at rear yard; remodel interiors). APPLICATION NO. 2013/04/08/3998"S". FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 07, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance

may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 12, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Arcelia Hurtado, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Chris Hwang.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Hanson Tom, DBI; Brian Dusseault, Senior Engineer, San Francisco Municipal Transportation Agency, Division of Sustainable Streets (SFMTA); Norman Wong, Associate Engineer, SFMTA; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

2/14

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Hwang congratulated the newly elected officers to the Board. Vice President Hurtado thanked Commissioner Hwang for her service as President of the Board. President Lazarus also thanked Commissioner Hwang for her leadership as President of the Board.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the February 26, 2014 minutes.

ACTION: Upon motion by Vice President Hurtado, the Board voted 5-0 to adopt the February 26, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4a) **JURISDICTION REQUEST:**

Subject property at 1228-1234 Valencia Street. Letter from Carlos Carmona, requestor, asking that the Board take jurisdiction over BPA No. 2014/01/24/6982, which was issued on Jan. 24, 2014. The appeal period ended on Feb. 10, 2014, and the jurisdiction request was filed at the Board office on Feb. 21, 2014. Permit Holder: 1234 Valencia Street LLC. Project: combine Units 1 & 2; 3rd floor Unit 2 is illegal; bring building into conformance with Code per plans; to conform with 3R report.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to reschedule this matter to April 30, 2014 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **REHEARING REQUESTS:**

Subject property at 340 & 360 Fremont Street. Letter from Mark White, attorney for the HOA for the Metropolitan, appellant, requesting rehearing of Appeal Nos. 13-163 and 14-001/002, decided Feb. 19, 2014. At that time, the Board voted 4-0 to uphold all three permits on the basis that they are Code compliant. Permit Holders: Equity Residential & Archstone/Jackson. **Project, 1st permit:** erect a 42-story, 348 unit residential condo building with 23,634sf of ground floor area; BPA No. 2005/09/19/3271S. **Project, 2nd permit:** demolish two-story office/parking structure with 9,487sf of ground floor area; BPA No. 2005/09/19/3264. **Project, 3rd permit:** demolish four-story B/M building with 9,487sf of ground floor area; BPA No. 2005/09/19/3267.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the requests.

SPEAKERS: Dennis Martinez-Galarca, agent for requestor; Mark White, attorney for requestor; Andrew Junius, attorney for permit holder; Hanson Tom, DBI.

PUBLIC COMMENT: None.

(4c) **REHEARING REQUEST:**

Subject property at Brotherhood Way between Thomas More Drive and Lake Merced Blvd. Letter from Julian Lagos, appellant, requesting rehearing of Appeal No. 14-004, decided Feb. 19, 2014. At that time, the Board voted 4-0 to uphold the permit on the basis it was properly issued, and with a directive to MTA to re-calculate the execution period of this permit. Permit Holder: Arborwell. Special Traffic Permit: authorization to depart from regulations of obstructions to traffic to perform tree removal for the period between Jan. 14, 2014 to Jan. 30, 2014, Monday - Friday, 9am - 3pm; APPLICATION NO. 14-3659.

ACTION: Upon motion by Vice President Hurtado, the Board voted 5-0 to deny the request.

SPEAKERS: Julian Lagos, requestor; Sam Oakley, agent for permit holder; Norman Wong, SFMTA.

PUBLIC COMMENT: Cathy Lentz spoke in support of the requestor.

(5) **APPEAL NO. 14-014**

ROSS MADDEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	150 Rivoli Street. Protesting the ISSUANCE on January 10, 2014, to Aaron Boodman, Alteration Permit (relocate existing three-story building on lot; add garage; new three-story addition at rear yard; remodel interiors). APPLICATION NO. 2013/04/08/3998"S". FOR HEARING TODAY.

ACTION: This matter was withdrawn by the appellant prior to hearing.

ADJOURNMENT.

There being no further business, President Hwang adjourned the meeting at 6:00 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 19, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the March 12, 2014 minutes.

MAR 14 2014

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(4) **JURISDICTION REQUEST:**

Subject property at 2051 – 3rd Street aka 650 Illinois Street. Letter from Christopher Delaney, Rockne Boger, Lorie Maak-Ingram, Jim Mager and Victoria Zacksorn, requestors, asking that the Board take jurisdiction over a Tree Removal Permit, which was issued on Jan. 14, 2014. The appeal period ended on Jan. 29, 2014, and the jurisdiction request was filed at the Board office on March 03, 2014. Permit Holder: Richard Price. Project: approval to remove six (6) existing trees and plant nine (9) new trees.

(5) **APPEAL NO. 13-171**

DARREN GOLDMAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2460 Larkin Street. Protesting the ISSUANCE on December 06, 2013, to New Cingular Wireless PCS LLC, Wireless Box Permit. PERMIT NO. 13WR-0164 FOR HEARING TODAY.

(6) **APPEAL NO. 13-172**

KEVIN RUDICH, MICHAEL CRUZ, AND STEVE & DIANE LEONOUDAKIS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	4848 - 17th Street. Protesting the ISSUANCE on December 09, 2013, to New Cingular Wireless PCS LLC, Wireless Site Permit. PERMIT NO. 13WR-0172 FOR HEARING TODAY.

(7) **APPEAL NO. 14-022**

CHARLES HANSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	116 Franconia Street. Appealing the ISSUANCE on February 04, 2014, of Penalty (imposition of penalty for construction work done without a permit). APPLICATION NO. 2014/02/04/7787. FOR HEARING TODAY.

(8) **APPEAL NO. 13-177**

MICHAEL VALMONTE, SHINTA HALIM & ERICK KURNIAWAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1626 - 12th Avenue. Protesting the ISSUANCE on December 19, 2013, to Tam Woot Kwong, Alteration Permit (add one bedroom, one bathroom, family room; add great room on 1st floor per plan; add one powder room; remodel bathrooms and kitchen on 2nd floor; add deck at rear of 2nd floor per plan). APPLICATION NO. 2013/12/18/4535. FOR HEARING TODAY.

(9) **APPEAL NO. 14-019**

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2427 Green Street. Protesting the ISSUANCE on February 03, 2014, to Marco Annunziata & Sonal Desai, Alteration Permit (revision to permit #2013/03/05/1482; to modify shape/layout of roof deck and guardrail material from wood to glass; no increase in area). APPLICATION NO. 2014/01/27/7112. FOR HEARING TODAY.

(10) **APPEAL NO. 14-020**

SUNHEE MOON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	47 Prospect Avenue. Protesting the ISSUANCE on January 23, 2014, to J&L Development / Jeffrey Beltramo, Alteration Permit (clear abatement on existing deck and retaining wall; comply with NOV No. 201306912; this retaining wall is to replace old retaining wall; and grade is to remain the same). APPLICATION NO. 2013/12/05/3439. FOR HEARING TODAY.

(11) **APPEAL NO. 14-021**

AIDS HEALTHCARE FOUNDATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	518 Castro Street. Appealing the ISSUANCE on January 23, 2014, of a Request for Suspension (requesting that BPA No. 2013/11/12/1689 - tenant improvement of existing vacant retail space for new medical office and pharmacy- be suspended for the reason that the Planning Department's over-the-counter approval was erroneous). FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 14, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 19, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Arcelia Hurtado, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Chris Hwang.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW BUF); Chris Buck, Urban Forestry Investigator DPW BUF; John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Alec Longaway, Legal Process Clerk.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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SPEAKERS: Commissioner Honda wished Joseph Duffy a happy birthday.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the March 12, 2014 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to adopt the March 12, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 2051 3rd Street aka 650 Illinois Street. Letter from Christopher Delaney, Rockne Boger, Lorie Maak-Ingram, Jim Mager and Victoria Zacksorn, requestors, asking that the Board take jurisdiction over a Tree Removal Permit, which was issued on Jan. 14, 2014. The appeal period ended on Jan. 29, 2014, and the jurisdiction request was filed at the Board office on March 3, 2014. Permit holder: Richard Price. Project: approval to remove six (6) existing trees and plant nine (9) new trees.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Vice President Hurtado absent) to grant the request.

SPEAKERS: Christopher Delaney, requestor; Rick Price, permit holder; Chris Buck, DPW BSM.

PUBLIC COMMENT: Steven Perham, John Rheinfrank, Maria Topacio and Stephen Williams spoke in support of the requestors.

(5) **APPEAL NO. 13-171**

DARREN GOLDMAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2460 Larkin Street. Protesting the ISSUANCE on December 6, 2013, to New Cingular Wireless PCS LLC, Wireless Box Permit. PERMIT NO. 13WR-0164 FOR HEARING TODAY.

ACTION: This permit was cancelled prior to the hearing and the appeal was administratively dismissed.

(6) **APPEAL NO. 13-172**

KEVIN RUDICH, MICHAEL CRUZ, AND STEVE & DIANE LEONOUDAKIS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	4848 - 17th Street. Protesting the ISSUANCE on December 9, 2013, to New Cingular Wireless PCS LLC, Wireless Site Permit. PERMIT NO. 13WR-0172 FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Vice President Hurtado absent) to grant the appeal and issue the permit on the condition that the battery box be removed

from the scope of the permit and on the basis that this reflects the permit holder's proposed resolution.

SPEAKERS: Kevin Rudich, appellant; Steve Leonoudakis, appellant; Tedi Vriheas, agent for permit holder; Judy Rowland, agent for permit holder; John Kwong, DPW BSM; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 14-022**

CHARLES HANSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	116 Franconia Street. Appealing the ISSUANCE on February 4, 2014, of Penalty (imposition of penalty for construction work done without a permit). APPLICATION NO. 2014/02/04/7787. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-1 (Commissioner Hwang dissented) to grant the appeal and reduce the penalty to two times the permit fee.

SPEAKERS: Charles Hanson, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 13-177**

MICHAEL VALMONTE, SHINTA HALIM & ERICK KURNIAWAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1626 - 12th Avenue. Protesting the ISSUANCE on December 19, 2013, to Tam Woot Kwong, Alteration Permit (add one bedroom, one bathroom, family room; add great room on 1st floor per plan; add one powder room; remodel bathrooms and kitchen on 2nd floor; add deck at rear of 2nd floor per plan). APPLICATION NO. 2013/12/18/4535. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Michael Valmonte, appellant; Shinta Halim, appellant; Ada Tam, agent for permit holder; Woot Kwong Tam, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 14-019**

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2427 Green Street. Protesting the ISSUANCE on February 3, 2014, to Marco Annunziata & Sonal Desai, Alteration Permit (revision to permit #2013/03/05/1482; to modify shape/layout of roof deck and guardrail material from wood to glass; no increase in area). FOR HEARING TODAY.

ACTION: This matter was withdrawn prior to hearing.

(10) **APPEAL NO. 14-020**

SUNHEE MOON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	47 Prospect Avenue. Protesting the ISSUANCE on January 23, 2014, to J&L Development / Jeffrey Beltramo, Alteration Permit (clear abatement on existing deck and retaining wall; comply with NOV No. 201306912; this retaining wall is to replace old retaining wall; and grade is to remain the same). APPLICATION NO. 2013/12/05/3439. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 5-0 to grant the appeal and deny the permit on the basis of the misrepresentations made by the permit holder with respect to the prior existence of the deck.

SPEAKERS: Sunhee Moon, appellant; Henry Karnilowicz, agent for permit holder; Philip Whitehead, agent for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Matthew Kaminski, Kevin Lenzen, Duncan Paterson and Nicky Paterson spoke in support of the appellant.

(11) **APPEAL NO. 14-021**

AIDS HEALTHCARE FOUNDATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	518 Castro Street. Appealing the ISSUANCE on January 23, 2014, of a Request for Suspension (requesting that BPA No. 2013/11/12/1689 -tenant improvement of existing vacant retail space for new medical office and pharmacy- be suspended for the reason that the Planning Department's over-the-counter approval was erroneous). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to uphold the Suspension Request with respect to the issue of formula retail and overturn the Suspension Request with respect to the issue of change of use on the basis that the Zoning Administrator erred in determining that the medical office use exceeded the 2,000 square foot threshold by inaccurately including the bathrooms in the calculations.

SPEAKERS: Dale Gluth, agent for appellant; Zachary Nathan, agent for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:50 p.m.

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for either March 26, 2014 or April 02, 2014. The next regular meeting is scheduled for **WEDNESDAY, APRIL 09, 2014**, City Hall, Room 416, 5:00 pm,One Dr. Carlton B. Goodlett Place.
Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,
BOARD STAFF

Date Posted: **March 21, 2014**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept. 37
Tel: 415-575-6880
Fax: 415-575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 09, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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04-04-14P12:31 RCVD

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the March 19, 2014 minutes.

(4a) **REHEARING REQUESTS:**

Subject property at 1050-1058 Valencia Street. Letter from Mark Rutherford, permit holder, requesting rehearing of Appeal Nos. 13-095/096/097/098, The Marsh & Gamez vs. DBI, PDA, decided Feb. 26, 2014. At that time, the Board voted 4-0 to uphold both permits and adopt the findings with revisions as stated, on the following conditions: a) the ground floor commercial space be limited to neighborhood serving uses as defined by the San Francisco Planning Code; b) the original entitlement as authorized by the Planning Commission as to density be maintained; and c) there be setbacks at the front and back of the fifth floor of 10 to 12 feet depending upon the structural design as articulated by the project sponsor. Appellants: The Marsh and Alicia Gamez. **Project, 1st permit:** demolish one-story restaurant building with 2,000sf of ground floor area; APPLICATION NO. 2010/12/27/7436. **Project, 2nd permit:** erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area; APPLICATION NO. 2010/12/27/7437"S".

(4b) **REHEARING REQUESTS:**

Subject property at 1050-1058 Valencia Street. Letter from Stephen Williams, attorney for Alicia Gamez, appellant, requesting rehearing of Appeal Nos. 13-097/098, Gamez vs. DBI, PDA, decided Feb. 26, 2014. Permit Holder: M. Rutherford Trust / Shizuo Holdings. **See description of Board decision and project scope in Item 4a.**

(5) **APPEAL NO. 13-076**

JEFFREY KELLY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	340 - 31st Avenue. Protesting the issuance on June 12, 2013, to Recreation & Park Department, Demolition Permit (demolish one story type 5 restroom building) at 340 - 31st Avenue. APPLICATION NO. 2012/10/22/2522. FOR HEARING TODAY.

(6) **APPEAL NO. 14-025**

MICA RINGEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	480 Potrero Avenue. Protesting the ISSUANCE on February 12, 2014, to Reza Khoshnevisan, Permit to Erect a Building (erect a 6-story, 77-unit mixed-use building with 10,590sf of ground floor area). APPLICATION NO. 2013/06/25/0465"S". FOR HEARING TODAY.

(7) **APPEAL NO. 14-044**

ALICE LAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2529-2531-2533 Post Street. Protesting the ISSUANCE on February 07, 2014, to Kevin Weil, Alteration Permit (demolish existing dilapidated deck and stair; replace with new deck and stair). APPLICATION NO. 2012/03/27/6976"S". FOR HEARING TODAY.

(8) **APPEAL NO. 14-045**

CASSANDRA KUNG, KENNETH KUNG & MARTIN KUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	715 - 32nd Avenue. Protesting the ISSUANCE on February 12, 2014, to Anand & Associates, Alteration Permit (add 4 dormers and 1 bath at attic level; revision to approved BPA No. 2013/10/08/8746; attic sprinkler under separate permit). APPLICATION NO. 2014/01/27/7162. FOR HEARING TODAY.

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Date posted: **April 09, 2014**

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 9, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Arcelia Hurtado, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Chris Hwang.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Corey Teague, Assistant Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Preservation Planner, Planning Department (PD); Cynthia Goldstein, Executive Director; Xiomara Mejia, Legal Process Clerk; Victor Pacheco, Legal Assistant.

9/14

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PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

PUBLIC COMMENT: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the March 19, 2014 minutes.

ACTION: Upon motion by Commissioner Hwang, the Board voted 5-0 to adopt the March 19, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

ADDENDUM ITEMS (4A) AND (4B) SHALL BE HEARD TOGETHER:

(4a) **REHEARING REQUESTS:**

Subject property at 1050-1058 Valencia Street. Letter from Mark Rutherford, permit holder, requesting rehearing of Appeal Nos. 13-095/096/097/098, The Marsh & Gamez vs. DBI, PDA, decided Feb. 26, 2014. At that time, the Board voted 4-0 to uphold both permits and adopt the findings with revisions as stated, on the following conditions: a) the ground floor commercial space be limited to neighborhood serving uses as defined by the San Francisco Planning Code; b) the original entitlement as authorized by the Planning Commission as to density be maintained; and c) there be setbacks at the front and back of the fifth floor of 10 to 12 feet depending upon the structural design as articulated by the project sponsor. Appellants: The Marsh and Alicia Gamez. **Project, 1st permit:** demolish one-story restaurant building with 2,000sf of ground floor area; APPLICATION NO. 2010/12/27/7436. **Project, 2nd permit:** erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area; APPLICATION NO. 2010/12/27/7437"S".

(4b) **REHEARING REQUESTS:**

Subject property at 1050-1058 Valencia Street. Letter from Stephen Williams, attorney for Alicia Gamez, appellant, requesting rehearing of Appeal Nos. 13-097/098, Gamez vs. DBI, PDA, decided Feb. 26, 2014. Permit Holder: M. Rutherford Trust / Shizuo Holdings. **See description of Board decision and project scope in Item 4a.**

ACTION: Upon motion by Vice President Hurtado, the Board voted 5-0 to deny the six (6) rehearing requests.

SPEAKERS: Mark Rutherford, requestor and permit holder; Stephen Antonaros agent for permit holder; Steven Williams, attorney for requestor (Gamez); Mary Gallagher, agent for appellant (The Marsh).

PUBLIC COMMENT: Leonard Fisher, Alice LaRocca, Sue Lebeck, Lisa Fromer Valenzuela, Barbara Russell, John Levin, Howard Petrick and Risa Teitelbaum spoke in support of appellant Gamez. Marga Gomez, Dirk Alphin, Brad Erickson, Gene Gore, Kenny Yun, Sue Lebeck, Judy Einzig, Dan Biewener, Ady Abbot and Clarence Isaac spoke in support of appellant The Marsh.

(5) **APPEAL NO. 13-076**

JEFFREY KELLY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	340 - 31st Avenue. Protesting the issuance on June 12, 2013, to Recreation & Park Department, Demolition Permit (demolish one story type 5 restroom building) at 340 - 31st Avenue. APPLICATION NO. 2012/10/22/2522. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 5-0 to continue this matter to July 16, 2014 to allow time for the permit holder to study how to revise the proposed design to replicate the prior historic features of the structure and to work with the community to achieve this goal.

SPEAKERS: Jeffrey Kelly, appellant; Marvin Yee, agent for permit holder; Toks Ajike, agent for permit holder; Corey Teague, AZA; Tina Tam. PD.

PUBLIC COMMENT: Roberta Wahl and Tom Vilhauer spoke in support of the appellant.

(6) **APPEAL NO. 14-025**

MICA RINGEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	480 Potrero Avenue. Protesting the ISSUANCE on February 12, 2014, to Reza Khoshnevisan, Permit to Erect a Building (erect a 6-story, 77-unit mixed-use building with 10,590sf of ground floor area). APPLICATION NO. 2013/06/25/0465"S". FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Honda recused) to deny the appeal and uphold the permit on the basis that the project is Code compliant and has gone thought extensive review, and with the adoption of California Environmental Quality Act (CEQA) findings that were read into the record.

SPEAKERS: Mica Ringel, appellant; Sufi Tahbazof Hariri, attorney for permit holder; Corey Teague, AZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Olga Kist and Dean Dinelli spoke in support of the appellant.

(7) **APPEAL NO. 14-044**

ALICE LAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2529-2531-2533 Post Street. Protesting the ISSUANCE on February 07, 2014, to Kevin Weil, Alteration Permit (demolish existing dilapidated deck and stair; replace with new deck and stair). APPLICATION NO. 2012/03/27/6976"S". FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-1 (Commissioner Fung dissented) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Michael Robbins, agent for appellant; Alice Lam, appellant; Andrew Morrall, agent for permit holder; Kevin Weil, permit holder; Corey Teague, AZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 14-045**

CASSANDRA KUNG, KENNETH KUNG & MARTIN KUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	715 - 32nd Avenue. Protesting the ISSUANCE on February 12, 2014, to Anand & Associates, Alteration Permit (add 4 dormers and 1 bath at attic level; revision to approved BPA No. 2013/10/08/8746; attic sprinkler under separate permit). APPLICATION NO. 2014/01/27/7162. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 5-0 to grant the appeal and deny the permit on the basis of the defects and misrepresentation in the original permit application. The Board also requested that the Department of Building Inspection work with the permit holder to address the outstanding Notice of Violation, and noted that the one year bar to reapply for a permit in San Francisco Business and Tax Regulations Code Article 1, Section 31 does not apply.

SPEAKERS: Kenneth Kung, appellant; Augustine Fally, agent for permit holder; Dino Zuzic, agent for permit holder; Ronald Yu, agent for permit holder; Corey Teague, AZA; Joseph Dufy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 10:10 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 16, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

04-11-14A11:20 RCVD

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 09, 2014 minutes.

(4) **REHEARING REQUEST:**

Subject property at 69 Montezuma Street. Appeal No. 11-012, Buscovich vs. DBI, PDD, decided July 11, 2012. At that time, the Board voted 4-0-1 (one vacancy) to deny the appeal and uphold the denial of the permit on the basis of Planning Code §150. Project: existing large gate to be removed and replaced with fence and gate combination; comply with NOV Nos. 201033584 and 201036174; APPLICATION NO. 2011/01/25/8939.

(5) **APPEAL NO. 14-061**

DAVID OSGOOD, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	139 Steuart Street. Protesting the CONDITIONAL GRANT on March 18, 2014, to Kiet Truong dba "Region", Place of Entertainment Permit (entertainment/dancing hours of operation are allowed until 12:30am from Sunday to Wednesday evenings, and until 2:00am from Thursday to Saturday evenings) FOR HEARING TODAY.

ITEMS 6 - 26 MAY BE HEARD TOGETHER:

(6) **APPEAL NO. 14-015**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	194 Randall Street. Appealing the DENIAL on January 21, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0400. FOR HEARING TODAY.

(7) **APPEAL NO. 14-016**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	210 Randall Street. Appealing the DENIAL on January 21, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0403. FOR HEARING TODAY.

(8) **APPEAL NO. 14-017**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	346 Rolph Street. Appealing the DENIAL on January 21, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0408. FOR HEARING TODAY.

(9) **APPEAL NO. 14-018**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	620 Buchanan Street. Appealing the DENIAL on January 21, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0410. FOR HEARING TODAY.

(10) **APPEAL NO. 14-027**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	100 Thornton Avenue. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0904. FOR HEARING TODAY.

(11) **APPEAL NO. 14-028**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	9 Rausch Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0877. FOR HEARING TODAY.

(12) **APPEAL NO. 14-029**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1157 Church Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0880. FOR HEARING TODAY.

(13) **APPEAL NO. 14-030**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1503 Jones Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0881. FOR HEARING TODAY.

(14) **APPEAL NO. 14-031**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	315 – 30th Avenue. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0882. FOR HEARING TODAY.

(15) **APPEAL NO. 14-032**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1335 Mission Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0884. FOR HEARING TODAY.

(16) **APPEAL NO. 14-033**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	533 Buchanan Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0889. FOR HEARING TODAY.

(17) **APPEAL NO. 14-034**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1752 Anza Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0890. FOR HEARING TODAY.

(18) **APPEAL NO. 14-035**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	120 Balboa Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0892. FOR HEARING TODAY.

(19) **APPEAL NO. 14-036**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	303 San Carlos Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0893. FOR HEARING TODAY.

(20) **APPEAL NO. 14-037**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1205 York Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0895. FOR HEARING TODAY.

(21) **APPEAL NO. 14-038**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1201 York Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0897. FOR HEARING TODAY.

(22) **APPEAL NO. 14-039**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	737 Lyon Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0898. FOR HEARING TODAY.

(23) **APPEAL NO. 14-040**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	121 San Carlos Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0899. FOR HEARING TODAY.

(24) **APPEAL NO. 14-041**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	410 Scott Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0900. FOR HEARING TODAY.

(25) **APPEAL NO. 14-042**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	305 Elsie Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0902. FOR HEARING TODAY.

(26) **APPEAL NO. 14-043**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	415 Girard Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0903. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 11, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 16, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Arcelia Hurtado, Commissioner Frank Fung and Commissioner Darryl Honda.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Ariana Urban, DPW BSM; Jocelyn Kane, Executive Director, Entertainment Commission (EC); Cammy Blackstone, Deputy Director, EC; Officer Simon Chan, San Francisco Police Department (SFPD); Cynthia Goldstein, Executive Director; Xiomara Mejia, Legal Process Clerk.

ABSENT: Commissioner Chris Hwang.

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

PUBLIC COMMENT: None.

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(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the April 9, 2014 minutes.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (Commissioner Hwang absent) to adopt the April 9, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **REHEARING REQUEST**

Subject property at 69 Montezuma Street. Appeal No. 11-012, Buscovich vs. DBI, PDD, decided July 11, 2012. At that time, the Board voted 4-0-1 (one vacancy) to deny the appeal and uphold the denial of the permit on the basis of Planning Code §150. Project: existing large gate to be removed and replaced with fence and gate combination; comply with NOV Nos. 201033584 and 201036174; APPLICATION NO. 2011/01/25/8939.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Commissioner Hwang absent) to reschedule to May 7, 2014.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 14-061**

DAVID OSGOOD, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	139 Steuart Street. Protesting the CONDITIONAL GRANT on March 18, 2014, to Kiet Truong dba "Region" Place of Entertainment permit (entertainment/dancing hours of operation are allowed until 12:30am from Sunday to Wednesday evenings and until 2:00am from Thursday to Saturday evenings) FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeal and uphold the permit on the basis that the permit is Code compliant and the Entertainment Commission did not err in issuing it.

SPEAKERS: David Osgood, appellant; Kiet Truong, permit holder; Cameron Bailey, agent for permit holder; Cammy Blackstone, EC; Officer Simon Chan, SFPD.

PUBLIC COMMENT: Laurel Tester, Catherine Haydn, Tony Tantillo, Ashby Jones and Norbert Mede spoke in support of the appellant. Nick Cowden, Arthur Bahr, Brandon Ellis, Charles Tynes, Ken Gunn and Tovell Thomas spoke in support of the permit holder.

THE FOLLOWING ITEMS WERE HEARD TOGETHER:

(11) **APPEAL NO. 14-028**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	9 Rausch Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0877. FOR HEARING TODAY.

(12) **APPEAL NO. 14-029**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1157 Church Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0880. FOR HEARING TODAY.

(13) **APPEAL NO. 14-030**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1503 Jones Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0881. FOR HEARING TODAY.

(14) **APPEAL NO. 14-031**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	315 – 30th Avenue. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0882. FOR HEARING TODAY.

(17) **APPEAL NO. 14-034**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1752 Anza Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0890. FOR HEARING TODAY.

(18) **APPEAL NO. 14-035**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	120 Balboa Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0892. FOR HEARING TODAY.

(19) **APPEAL NO. 14-036**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	303 San Carlos Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0893. FOR HEARING TODAY.

(23) **APPEAL NO. 14-040**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	121 San Carlos Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0899. FOR HEARING TODAY.

(25) **APPEAL NO. 14-042**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	305 Elsie Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0902. FOR HEARING TODAY.

(26) **APPEAL NO. 14-043**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	415 Girard Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0903. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeals and uphold the Department on the basis that the permits were appropriately denied under the Code.

SPEAKERS: Foster Johnson, attorney for AT&T; John Kwong, DPW BSM.

PUBLIC COMMENT: Appeal No. 14-028: Mike Schmitt spoke in support of the Department. Appeal No. 14-029: Mara Tongue and Lisa Tongue spoke in support of the Department. Appeal 14-030: None. Appeal No. 14-031: Bob Chu and Beatrice spoke in support of the Department. Appeal No. 14-034: None. Appeal No. 14-035: None. Appeal No. 14-036: None. Appeal No. 14-040: Joel Becker and Andrew Barnett spoke in support of the Department. Appeal No. 14-042: None. Appeal No. 14-043: Elie Lee and Alan Chow spoke in support of the Department.

THE FOLLOWING ITEMS WERE HEARD TOGETHER:

(20) **APPEAL NO. 14-037**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1205 York Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0895. FOR HEARING TODAY.

(21) **APPEAL NO. 14-038**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1201 York Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0897. FOR HEARING TODAY.

(22) **APPEAL NO. 14-039**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	737 Lyon Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0898. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeals and uphold the Department on the basis that the permits were appropriately denied under the Code.

SPEAKERS: Foster Johnson, attorney for AT&T; John Kwong, DPW BSM.

PUBLIC COMMENT: Appeal No. 14-037: None. Appeal No.14-038: None. Appeal No. 14-039: Robert Jumonville spoke in support of the Department.

THE FOLLOWING ITEMS WERE HEARD TOGETHER:

(6) **APPEAL NO. 14-015**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	194 Randall Street. Appealing the DENIAL on January 21, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0400. FOR HEARING TODAY.

(7) **APPEAL NO. 14-016**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	210 Randall Street. Appealing the DENIAL on January 21, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0403. FOR HEARING TODAY.

(8) **APPEAL NO. 14-017**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	346 Rolph Street. Appealing the DENIAL on January 21, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0408. FOR HEARING TODAY.

(9) **APPEAL NO. 14-018**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	620 Buchanan Street. Appealing the DENIAL on January 21, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0410. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeals and uphold the Department on the basis that the permits were appropriately denied under the Code.

SPEAKERS: Foster Johnson, attorney for AT&T; John Kwong, DPW BSM; Adriana Urban, DPW BSM.

PUBLIC COMMENT: Appeal No. 14-015: Nicholas Dewar and Bruce Bonacker spoke in support of the Department. Appeal No. 14-016: Nicholas Dewar spoke in support of the Department. Appeal

No. 14-017: None. Appeal No. 14-018: Lisa Wist, Gail Baugh and Jim Warshell spoke in support of the Department.

(15) **APPEAL NO. 14-032**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1335 Mission Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0884. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeal and uphold the Department on the basis that the permit was appropriately denied under the Code.

SPEAKERS: Foster Johnson, attorney for AT&T; John Kwong, DPW BSM.

PUBLIC COMMENT: Katie Sipos spoke in support of the Department.

(16) **APPEAL NO. 14-033**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	533 Buchanan Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0889. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeal and uphold the Department on the basis that the permit was appropriately denied under the Code.

SPEAKERS: Foster Johnson, attorney for AT&T; John Kwong, DPW BSM.

PUBLIC COMMENT: Rosemary Glavin and Gail Baugh spoke in support of the Department.

(24) **APPEAL NO. 14-041**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	410 Scott Street. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0900. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeal and uphold the Department on the basis that the permit was appropriately denied under the Code and in direct conflict with the City's greening efforts.

SPEAKERS: Foster Johnson, attorney for AT&T; John Kwong, DPW BSM.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 14-027**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	100 Thornton Avenue. Appealing the DENIAL on February 11, 2014, of EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-0904. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-2 (Commissioner Hwang absent and Commissioner Honda recused) to deny the appeal and uphold the Department on the basis that the permit was appropriately denied under the Code.

SPEAKERS: Foster Johnson, attorney for AT&T; John Kwong, DPW BSM.

PUBLIC COMMENT: Brian Sabado, George Taylor, Lucinda Toy and Kearstin Krehbiel spoke in support of the Department.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 10:40 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for April 23, 2014. The next regular meeting is scheduled for **WEDNESDAY, APRIL 30, 2014**, City Hall, Room 416, 5:00 p.m., One Dr. Carlton B. Goodlett Place.

Please feel free to call 415-575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **April 18, 2014**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 07, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

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(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the April 16, 2014 minutes.

(4) **POSSIBLE ACTION TO SET ASIDE AND VOID BOARD DECISION IN APPEAL NO. 11-004**

Possible Action: Approval of resolution setting aside and declaring void, in accordance with the order of the San Francisco Superior Court in Crown Castle NG West Inc. v. The City and County of San Francisco, *et al.* (CPF-11-511369), the Board of Appeal's April 20, 2011 decision on Appeal No. 11-004 (Jeff & Nicole Cooper v. Dept. of Public Works, Bureau of Street-Use & Mapping) to revoke the subject permit. (Discussion and possible action.)

ITEMS 5(A) and 5(B) SHALL BE HEARD TOGETHER:

(5A) **REHEARING REQUEST**

Subject property at 69 Montezuma Street. Appeal No. 11-012, Buscovich vs. DBI, PDD, decided July 11, 2012. At that time, the Board voted 4-0-1 (one vacancy) to deny the appeal and uphold the denial of the permit on the basis of Planning Code §150. Project: existing large gate to be removed and replaced with fence and gate combination; comply with NOV Nos. 201033584 and 201036174; APPLICATION NO. 2011/01/25/8939.

(5B) **POSSIBLE REHEARING OF APPEAL NO. 11-012, IF REQUEST FOR REHEARING IN ITEM 5(A) IS GRANTED**

PATRICK BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	69 Montezuma Street. Appealing the denial on Jan. 26, 2011, of Permit to Alter a Building (existing large gate to be removed and replaced with fence and gate combination; comply with NOV Nos. 201033584 and 201036174). APPLICATION NO. 2011/01/25/8939. FOR POSSIBLE REHEARING HEARING TODAY.

(6) **REHEARING REQUEST**

Subject property at 480 Potrero Avenue. Letter from Mica Ringel, appellant, requesting rehearing of Appeal No. 14-025, Ringel vs. DBI, PDA, decided on April 9, 2014. At that time, the Board voted 4-0-1 (Commissioner Honda recused) to deny the appeal and uphold the permit on the basis that the project is Code compliant and has gone through extensive review, and with the adoption of California Environmental Quality Act (CEQA) findings that were read into the record. Project: Erect a six-story 77-unit mixed-use building with 10,590sf of ground floor area. APPLICATION NO. 2013/06/25/0465S.

(7) **APPEAL NO. 14-046**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3130 - 20th Street. Protesting the ISSUANCE on February 10, 2014, to Twentieth Street Associates LP, Letter of Legitimization (regarding a request to legitimize the existing office use on a portion of the 3rd floor in the existing 3-story building). FOR HEARING TODAY.

(8) **APPEAL NO. 14-058**

CHRISTOPHER DELANEY, ROCKNE BOGER, LORIE MAAK-INGRAM, JIM MAGER & VICTORIA ZACKSORN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2051 - 3rd Street aka 650 Illinois Street. Protesting the ISSUANCE on January 14, 2014, to Richard Price, Tree Removal Permit (approval to remove six (6) existing trees and plant nine (9) new trees). APPLICATION NO. 771015. JURISDICTION GRANTED MARCH 19, 2014. FOR HEARING TODAY.

ITEMS 9 - 16 MAY BE HEARD TOGETHER:

(9) **POSSIBLE ACTION TO DESIGNATE COURT REPORTER TRANSCRIPT AS OFFICIAL RECORD OF PROCEEDINGS**

Possible Action: Pursuant to Article IV, Section 2 of the Rules of the Board of Appeals, designation of transcript prepared by court reporter retained for AT&T as official record of the proceedings on Items 10-16. (Discussion and possible action.)

(10) **APPEAL NO. 14-049**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1301 Hampshire Street. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1360. FOR HEARING TODAY.

(11) **APPEAL NO. 14-050**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1311 Hampshire Street. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1361. FOR HEARING TODAY.

(12) **APPEAL NO. 14-051**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	198 Palm Avenue. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1362. FOR HEARING TODAY.

(13) **APPEAL NO. 14-052**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	398 Carl Street. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1363. FOR HEARING TODAY.

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance

may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103
Phone: 415-575-6990
Email: boardofappeals@sfgov.org

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 7, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Chris Hwang.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Thomas Venizelos, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Cynthia Goldstein, Executive Director; Xiomara Mejia, Legal Process Clerk.

ABSENT: Vice President Arcelia Hurtado.

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

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SPEAKERS: None.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the April 16, 2014 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to adopt the April 16, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **POSSIBLE ACTION TO SET ASIDE AND VOID BOARD DECISION IN APPEAL NO. 11-004**

Possible Action: Approval of resolution setting aside and declaring void, on accordance with the order of the San Francisco Superior Court in Crown Castle NG West Inc. v. The City and County of San Francisco, *et al.* (CPF-11-511369), the Board of Appeals April 20, 2011 decision on Appeal No. 11-004 (Jeff & Nicole Cooper v. Dept. of Public Works, Bureau of Street-Use & Mapping) to revoke the subject permit. (Discussion and possible action.)

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Vice President Hurtado absent) to adopt the resolution and set aside the Board's decision on Appeal No. 11-004.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS 5(A) and 5(B) SHALL BE HEARD TOGETHER:

(5A) **REHEARING REQUEST**

Subject property at 69 Montezuma Street. Appeal No. 11-012, Buscovich vs. DBI, PDD, decided July 11, 2012. At that time, the Board voted 4-0-1 (one vacancy) to deny the appeal and uphold the denial of the permit on the basis of Planning Code §150. Project: existing large gate to be removed and replaced with fence and gate combination; comply with NOV Nos. 201033584 and 201036174; APPLICATION NO. 2011/01/25/8939.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Vice President Hurtado absent) to grant the request.

SPEAKERS: Scott Sanchez, ZA; Ryan Patterson, attorney for requestor; Pat Buscovich, requestor.

PUBLIC COMMENT: None.

(5B) **POSSIBLE REHEARING OF APPEAL NO. 11-012, IF REQUEST FOR REHEARING IN ITEM 5(A) IS GRANTED**

PATRICK BUSCOVICH , Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	69 Montezuma Street. Appealing the denial on January 26, 2011, of Permit to Alter a Building (existing large gate to be removed and replaced with fence and gate combination; comply with NOV Nos. 201033584 and 201036174). APPLICATION NO. 2011/01/25/8939. FOR POSSIBLE REHEARING TODAY

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to grant the appeal and overturn the denial of the permit on the basis that a variance has been granted for the required parking and on the condition that the curb cut be removed.

SPEAKERS: Ryan Patterson, attorney for appellant.

PUBLIC COMMENT: None.

(6) **REHEARING REQUEST**

Subject property at 480 Potrero Avenue. Letter from Mica Ringel. Appellant, requesting rehearing of Appeal No. 14-025, Ringel vs. DBI, PDA, decided on April 9, 2014. At that time, the Board voted 4-0-1 (Commissioner Honda recused) to deny the appeal and uphold the permit on the basis that the project is Code complaint and has gone through extensive review, and with the adoption of California Environmental Quality Act (CEQA) findings that were read into the record. Project: Erect a six-story 77-unit mixed-use building with 10,590sf of ground floor area. APPLICATION NO. 2013/06/25/0465S

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-2 (Vice President Hurtado absent and Commissioner Honda recused) to deny the request.

SPEAKERS: Mica Ringel, requestor; Sufi Tahbazhof Hariri, attorney for permit holder; Scott Sanchez, ZA; Thomas Venizelos, DBI.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 14-046**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3130-20th Street. Protesting the ISSUANCE on February 10, 2014, to Twentieth Street Associates LP, Letter of Legitimization (regarding a request to legitimize the existing office use on a portion of the 3rd floor in the existing 3-story building). FOR HEARING TODAY.

ACTION: This matter was withdrawn by the appellant prior to hearing.

(8) **APPEAL NO. 14-058**

CHRISTOPHER DELANEY, ROCKNE BOGER, LORIE MAAK-INGRAM, JIM MAGER & VICTORIA ZACKSORN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2051 - 3rd Street aka 650 Illinois Street. Protesting the ISSUANCE on January 14, 2014, to Richard Price, Tree Removal Permit (approval to remove six (6) existing trees and plant nine (9) new trees). APPLICATION NO. 771015. JURISDICTION GRANTED MARCH 19, 2014. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 3-1-1 (Commissioner Fung dissented and Vice President Hurtado absent) to grant the appeal and uphold the permit on the basis that the trees are large and present some safety concerns, and on the condition that (1) the trees not be removed until after a site permit has been issued for the construction project proposed for this site; and (2) that the replacement trees be at least of a 48" box size and if possible of a 60" box size. Lacking the four votes needed to pass, the motion failed. Upon further motion by Commissioner Hwang the Board voted 4-0-1 (Vice President Hurtado absent) to grant the appeal and uphold the permit on the basis that the trees are large and present some safety concerns, and on the condition that (1) the trees not be removed until after the June 5, 2014 hearing before the Planning Commission on the Large Project Authorization for the construction project proposed for this site; and (2) that the replacement trees be at least of a 48" box size and if possible of a 60" box size.

SPEAKERS: Christopher Delaney, appellant; Ray Moritz, agent for appellants; Stephen Williams, attorney for appellants; Rick Price, permit holder; Melinda Sarjapur, attorney for permit holder; Roy Leggitt, agent for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Amy Bickerton, Jake Rheinfrank and Maria Topacio spoke in support of the appellants. Rob Poole, Sonja Trauss, Chris Nicholson and Jehan Tremback spoke in support of the permit holder.

(9) **POSSIBLE ACTION TO DESIGNATE COURT REPORTER TRANSCRIPT AS OFFICIAL RECORD OF PROCEEDINGS**

Possible Acton: Pursuant to Article IV, Section 2 of the Rules of the Board of Appeals, designation of transcript prepared by court reporter retained for AT&T as official record of the proceedings on Items 10-16. (Discussion and possible action).

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to designate the court reporter transcript as the official record for the proceedings in Items 12-16.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 14-049**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1301 Hampshire Street. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1360. FOR HEARING TODAY.

ACTION: This matter was withdrawn by the appellant prior to hearing.

(11) **APPEAL NO. 14-050**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1311 Hampshire Street. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1361. FOR HEARING TODAY.

ACTION: This matter was withdrawn by the appellant prior to hearing.

(12) **APPEAL NO. 14-051**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	198 Palm Avenue. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1362. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Vice President Hurtado absent) to deny the appeal and uphold the Department on the basis that the permit was properly denied under the Code.

SPEAKERS: Foster Johnson, attorney for appellant; Marc Blakeman, agent for appellant; Carla Short, DPW.

PUBLIC COMMENT: None.

(13) **APPEAL NO. 14-052**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	398 Carl Street. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1363. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to deny the appeal and uphold the Department on the basis that the permit was properly denied under the Code.

SPEAKERS: Foster Johnson, attorney for appellant; Tedi Vriheas, agent for appellant; Carla Short, DPW.

PUBLIC COMMENT: Kereen Stoll, Lucia Tallchief Mele, Nick Armatas and Mei Lie Wong spoke in support of the Department.

(14) **APPEAL NO. 14-053**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	4590 Balboa Street. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1364. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Vice President Hurtado absent) to deny the appeal and uphold the Department on the basis that the permit was properly denied under the Code.

SPEAKERS: Foster Johnson, attorney for appellant; Marc Blakeman, agent for appellant; Carla Short, DPW.

PUBLIC COMMENT: None.

(15) **APPEAL NO. 14-054**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2103 Hayes Street. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1366. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Vice President Hurtado absent) to deny the appeal and uphold the Department on the basis that the permit was properly denied under the Code.

SPEAKERS: Foster Johnson, attorney for appellant; Carla Short, DPW.

PUBLIC COMMENT: Helen Dasovic spoke in support of the Department.

(16) **APPEAL NO. 14-055**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1303 – 17th Avenue. Appealing the DENIAL on March 05, 2014, of EXCAVATION PERMIT (excavation in the public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-1367. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Vice President Hurtado absent) to deny the appeal and uphold the Department on the basis that the permit was properly denied under the Code.

SPEAKERS: Foster Johnson, attorney for appellant; Carla Short, DPW.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:50 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 14, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the May 07, 2014 minutes.

(4) REHEARING REQUEST

Subject property at 2529-2531-2533 Post Street. Letter from Alice Tam, appellant, requesting rehearing of Appeal No. 14-044, Lam vs. DBI, PDA, decided on April 09, 2014. At that time, the Board voted 4-1 (Commissioner Fung dissented) to deny the appeal and uphold the permit on the basis that it is Code complaint. Project: Demolish existing dilapidated deck and stair; replace with new deck and stair. APPLICATION NO. 2012/03/27/6976S.

(5) JURISDICTION REQUEST

Subject property at 1020 Filbert Street. Letter from Nancy Conway, attorney for Maria Maranghi, requestor, asking that the Board take jurisdiction over BPA No. 2014/03/20/1296, which was issued on March 20, 2014. The appeal period ended on April 07, 2014, and the jurisdiction request was filed at the Board office on April 22, 2014. Permit Holder: Xelan Prop I, LLC. Project: remove illegal unit and convert back to legal use as a single family home; connect both floors with new interior staircase.

(6) **APPEAL NO. 14-066**

STACY McKENZIE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	275 Valencia Street. Protesting the ISSUANCE on March 26, 2014, to United Greek Orthodox Community of San Francisco, Tree Removal Permit (removal with replacement of 2 (two) privately-maintained street trees). ORDER NO. 182359. FOR HEARING TODAY.

(7) **APPEAL NO. V13-169**

ANDREA KAYE, SUK YIN LEE, YAM HUI LEE & JEFFREY LEE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1327-1329 Kearny Street & 28-30 Sonoma Street. Protesting the GRANTING on December 06, 2013, to San Francisco Affordable Housing LLC, Minimum Lot Width, Minimum Lot Area, Rear Yard & Open Space Variances (subdivide one lot containing two, two-unit buildings into two lots, each with one two-unit building). CASE NO. 2013.0149V. FOR HEARING TODAY.

(8) **APPEAL NO. 13-175**

FRANKLIN BOWLES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	30 Edith Street. Protesting the ISSUANCE on December 09, 2013, to Telegraph Hill Housing, LLC, Alteration Permit (alter/remodel existing building; add one new story; make a single-family dwelling; add new stair and elevator connecting 1st to 3rd floor; provide light well at 3rd floor to match existing light well at adjacent building; roof deck at 3rd floor). APPLICATION NO. 2008/12/31/9407S. FOR HEARING TODAY.

(9) **APPEAL NO. 14-060**

JANET CURRIE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2 Flood Avenue. Protesting the ISSUANCE on March 12, 2014, to KSM Development Inc., Permit to Erect a Building (erect a three-story single-family dwelling with 1,406sf of ground floor area). APPLICATION NO. 2013/03/20/2580S. FOR HEARING TODAY.

(10) **APPEAL NO. 14-062**

NEIGHBORS OF THE GREEN STREET GARAGE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1776 Green Street. Protesting the ISSUANCE on March 14, 2014, to Larry Nasey, Alteration Permit (new sprinkler waterflow and supervisory system; install new control panel; heat detector and pull station). APPLICATION NO. 2014/03/14/0771. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 09, 2014**

MEMBERS OF THE BOARD OF APPEALS	
ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete

distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance

may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGovTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103
Phone: 415-575-6990
Email: boardofappeals@sfgov.org

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 14, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Arcelia Hurtado, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Chris Hwang.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

PUBLIC COMMENT: None.

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(3) ADOPTION OF MINUTES

Discussion and possible adoption of the May 07, 2014 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to approve the minutes as modified to correct the vote count in item number six.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **REHEARING REQUEST**

Subject property at 2529-2531-2533 Post Street. Letter from Alice Tam, appellant, requesting rehearing of Appeal No. 14-044, Lam vs. DBI, PDA, decided on April 09, 2014. At that time, the Board voted 4-1 (Commissioner Fung dissented) to deny the appeal and uphold the permit on the basis that it is Code complaint. Project: Demolish existing dilapidated deck and stair; replace with new deck and stair. APPLICATION NO. 2012/03/27/6976S.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request.

SPEAKERS: Stephen Williams, attorney for requestor; Andrew Morrall, agent for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **JURISDICTION REQUEST**

Subject property at 1020 Filbert Street. Letter from Nancy Conway, attorney for Maria Maranghi, requestor, asking that the Board take jurisdiction over BPA No. 2014/03/20/1296, which was issued on March 20, 2014. The appeal period ended on April 07, 2014, and the jurisdiction request was filed at the Board office on April 22, 2014. Permit Holder: Xelan Prop I, LLC. Project: remove illegal unit and convert back to legal use as a single family home; connect both floors with new interior staircase.

ACTION: Upon motion by Vice President Hurtado, the Board voted 5-0 to grant the request.

SPEAKERS: Nancy Conway, attorney for requestor; Karen Uchiyama, attorney for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA

PUBLIC COMMENT: Pat Buscovich spoke in support of the requestor.

(6) **APPEAL NO. 14-066**

STACY McKENZIE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	275 Valencia Street. Protesting the ISSUANCE on March 26, 2014, to United Greek Orthodox Community of San Francisco, Tree Removal Permit (removal with replacement of 2 (two) privately-maintained street trees). ORDER NO. 182359. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-1 (Commissioner Hwang dissented) to grant the appeal and uphold the permit on the condition that (1) there be three (3) replacement trees of a minimum 60" box size; and (2) the permit holder work with the Department on the location of the third replacement tree.

SPEAKERS: Stacy McKenzie, appellant; Bronwyn Dexter, agent for appellant; John Goldman, agent for permit holder; Carla Short, DPW.

PUBLIC COMMENT: None.

(7) **APPEAL NO. V13-169**

ANDREA KAYE, SUK YIN LEE, YAM HUI LEE & JEFFREY LEE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1327-1329 Kearny Street & 28-30 Sonoma Street. Protesting the GRANTING on December 06, 2013, to San Francisco Affordable Housing LLC, Minimum Lot Width, Minimum Lot Area, Rear Yard & Open Space Variances (subdivide one lot containing two, two-unit buildings into two lots, each with one two-unit building). CASE NO. 2013.0149V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to reschedule the matter to July 16, 2014 at the request of the parties.

(8) **APPEAL NO. 13-175**

FRANKLIN BOWLES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	30 Edith Street. Protesting the ISSUANCE on December 09, 2013, to Telegraph Hill Housing, LLC, Alteration Permit (alter/remodel existing building; add one new story; make a single-family dwelling; add new stair and elevator connecting 1st to 3rd floor; provide light well at 3rd floor to match existing light well at adjacent building; roof deck at 3rd floor). APPLICATION NO. 2008/12/31/9407S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 5-0 to reschedule the matter to June 4, 2014 at the request of the parties.

(9) **APPEAL NO. 14-060**

JANET CURRIE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2 Flood Avenue. Protesting the ISSUANCE on March 12, 2014, to KSM Development Inc., Permit to Erect a Building (erect a three-story single-family dwelling with 1,406sf of ground floor area). APPLICATION NO. 2013/03/20/2580S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Janet Currie, appellant; David Silverman, attorney for permit holder; Gary Gee, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Wayman Chen, Charles Smith and Emily Chen spoke in support of the appellant.

(10) **APPEAL NO. 14-062**

NEIGHBORS OF THE GREEN STREET GARAGE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1776 Green Street. Protesting the ISSUANCE on March 14, 2014, to Larry Nasey, Alteration Permit (new sprinkler waterflow and supervisory system; install new control panel; heat detector and pull station). APPLICATION NO. 2014/03/14/0771. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Ryan Patterson, attorney for appellant; Mario Ballard, agent for appellant; Richard Merryman, agent for appellant; Pat Buscovich, agent for appellant; Ilene Dick, attorney for permit holder; Larry Nasey, permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:30 p.m.

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for either May 21, 2014 or May 28, 2014. The next regular meeting is scheduled for **WEDNESDAY, JUNE 04, 2014**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 415-575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **May 16, 2014**

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of S.F., Dept: 37
Tel: 415-575-6880
Fax: 415-575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 04, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

05-30-14 11:19 AM

(2) COMMISSIONER COMMENTS & QUESTIONS

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(3) ADOPTION OF MINUTES

Discussion and possible adoption of the May 14, 2014 minutes.

(4) SPECIAL ITEM:

Consideration and possible action to enter into a Memorandum of Understanding with the Port of San Francisco to facilitate the transfer of permit appeal-related duties for Port Entertainment Permits from the Port Commission to the Board of Appeals.

(5) JURISDICTION REQUESTS

Subject property at 56 Presidio Avenue. Letter from Brian Soriano, attorney for Steven Minisini, requestor, asking that the Board take jurisdiction over Electrical Permit E2014/02/26/7657 and BPA No. 2014/03/13/0693, which was issued on February 26, 2014 and March 13, 2014, respectively. The appeal periods ended on March 13, 2014 and March 28, 2014 respectively, and both jurisdiction requests were filed at the Board office on May 06, 2014. Permit Holder: Steven Greenwald & Rochelle Alpert. Project #1: 27 roof mounted solar PV modules, 250 watts per module; 1 interactive inverter, 250W power rating, TTL No. of rating 6.75KW905039, meter main electrical service will also be upgraded/replaced with new. Project #2: remove existing roofing down to workable surface; install new 3-ply BUR consisting of 1-ply 371 lb. base, 1 layer black diamond and 1-ply G&A mineral cap sheet, asphalt applied.

(6) **REHEARING REQUEST:**

Subject property at 2051 – 3rd Street aka 650 Illinois Street. Letter from Stephen Williams, attorney for Christopher Delaney et al., appellants, requesting rehearing of Appeal No. 14-058, Delaney et al. vs. DPW BUF, decided May 07, 2014. At that time, upon motion by Commissioner Hwang, the Board voted 3-1-1 (Commissioner Fung dissented and Vice President Hurtado absent) to grant the appeal and uphold the permit on the basis that the trees are large and present some safety concerns, and on the condition that (1) the trees not be removed until after a site permit has been issued for the construction project proposed for this site; and (2) that the replacement trees be at least of a 48" box size and if possible of a 60" box size. Lacking the four votes needed to pass, the motion failed. Upon further motion by Commissioner Hwang the Board voted 4-0-1 (Vice President Hurtado absent) to grant the appeal and uphold the permit on the basis that the trees are large and present some safety concerns, and on the condition that (1) the trees not be removed until after the June 5, 2014 hearing before the Planning Commission on the Large Project Authorization for the construction project proposed for this site; and (2) that the replacement trees be at least of a 48" box size and if possible of a 60" box size. Permit Holder: Richard Price. Project: approval to remove six (6) existing trees and plant nine (9) new trees.

(7) **APPEAL NO. 14-063**

RICHARD HILLEGAS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	102 Virginia Avenue. Protesting the ISSUANCE on March 27, 2014, to SBC- Pacific Bell Engineering, EXCAVATION PERMIT (install new cabinet; telephone purpose). APPLICATION NO. 14EXC-1666. FOR HEARING TODAY.

(8) **APPEAL NO. 14-065**

GOLDEN GATE HEIGHTS NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	203 Quintara Street. Protesting the ISSUANCE on March 19, 2014, to SBC- Pacific Bell Engineering, EXCAVATION PERMIT (install new cabinet; telephone purpose). APPLICATION NO. 14EXC-1497. FOR HEARING TODAY.

(9) **APPEAL NO. 14-067**

WILLIAM GOULD & MARGARET BANDA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	260 Laussat Street. Appealing the ISSUANCE on March 28, 2014, to Jeremy Paul / Quickdraw Permit Consulting, Letter of Determination (regarding a request to allow a two-year extension of Variance Case No. 2010.0588V dated 1/25/11, which granted variances to minimum lot area, rear yard and non-complying structure provisions of the Planning Code). FOR HEARING TODAY.

(10) **APPEAL NO. 14-068**

PATRICIA VAUGHEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2145 Market St., 2141 Chestnut St., 2050 Irving St., 1301 Franklin St., 498 & 1333 Castro St., 3201 Divisadero St., 1344 Stockton St., 33 Drumm St., 670 – 4th St., and 1524 & 2120 Polk St. Appealing the ISSUANCE on March 26, 2014, to Walgreens, Letter of Determination (regarding a request for the current zoning designation of various properties and whether a conditional use (CU) permit would be required to sell beer, wine and spirits). FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 30, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
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Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 4, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Arcelia Hurtado, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Chris Hwang.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); John Kwong, Manager (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

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PUBLIC COMMENT: Paula Datesh spoke about difficulties she has had with the City's Street Artist permitting process and with the staff of the program.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Lazarus reminded the Board that she will be absent on June 11, 2014.

PUBLIC COMMENT: None.

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(3) ADOPTION OF MINUTES

Discussion and possible adoption of the May 14, 2014 minutes.

ACTION: Upon motion by Vice President Hurtado, the Board voted 5-0 to adopt the May 14, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM**

Consideration and possible action to enter into a Memorandum of Understanding with the Port of San Francisco to facilitate the transfer of permit appeal-related duties for Port Entertainment Permits from the Port Commission to the Board of Appeals.

ACTION: Upon motion by Commissioner Honda, the Board voted 5-0 to enter into the Memorandum of Understanding with the Port Commission.

SPEAKERS: Monique Moyer, Director, Port of San Francisco.

PUBLIC COMMENT: None.

(5) **JURISDICTION REQUESTS**

Subject property at 56 Presidio Avenue. Letter from Brian Soriano, attorney for Steven Minisini, requestor, asking that the Board take jurisdiction over Electrical Permit E2014/02/26/7657 and BPA No. 2014/03/13/0693, which was issued on February 26, 2014 and March 13, 2014, respectively. The appeal periods ended on March 13, 2014 and March 28, 2014 respectively, and both jurisdiction requests were filed at the Board office on May 06, 2014. Permit Holder: Steven Greenwald & Rochelle Alpert. Project #1: 27 roof mounted solar PV modules, 250 watts per module; 1 interactive inverter, 250W power rating, TTL No. of rating 6.75KW905039, meter main electrical service will also be upgraded/replaced with new. Project #2: remove existing roofing down to workable surface; install new 3-ply BUR consisting of 1-ply 371 lb. base, 1 layer black diamond and 1-ply G&A mineral cap sheet, asphalt applied.

ACTION: Upon motion by Commissioner Hwang, the Board voted 5-0 to deny the requests.

SPEAKERS: Brian Soriano, attorney for requestors; Scott Emblidge, attorney for permit holders; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(6) **REHEARING REQUEST**

Subject property at 2051 – 3rd Street aka 650 Illinois Street. Letter from Stephen Williams, attorney for Christopher Delaney et al., appellants, requesting rehearing of Appeal No. 14-058, Delaney et al. vs. DPW BUF, decided May 07, 2014. At that time, upon motion by Commissioner Hwang, the Board voted 3-1-1 (Commissioner Fung dissented and Vice President Hurtado absent) to grant the appeal and uphold the permit on the basis that the trees are large and present some safety concerns, and on the condition that (1) the trees not be removed until after a site permit has been issued for the construction project proposed for this site; and (2) that the replacement trees be at least of a 48" box size and if possible of a 60" box size. Lacking the four votes needed to pass, the motion failed. Upon further motion by Commissioner Hwang the Board voted 4-0-1 (Vice President Hurtado absent) to grant the appeal and uphold the permit on the basis that the trees are large and present some safety concerns, and on the condition that (1) the trees not be removed until after the June 5, 2014 hearing before the Planning Commission on the Large Project Authorization for the construction project proposed for this site; and (2) that the replacement trees be at least of a 48" box size and if possible of a 60" box size. Permit Holder: Richard Price. Project: approval to remove six (6) existing trees and plant nine (9) new trees.

ACTION: Upon motion by Vice President Hurtado, the Board voted 5-0 to grant the request and rehear the case on July 2, 2014.

SPEAKERS: Christopher Delaney, requestor; Melinda Sarjapur, attorney for permit holder.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 14-063**

RICHARD HILLEGAS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	102 Virginia Avenue. Protesting the ISSUANCE on March 27, 2014, to SBC- Pacific Bell Engineering, EXCAVATION PERMIT (install new cabinet; telephone purpose). APPLICATION NO. 14EXC-1666. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 4-1 (Commissioner Honda dissented) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Richard Hillegas, appellant; Foster Johnson, attorney for AT&T; John Kwong, DPW.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 14-065**

GOLDEN GATE HEIGHTS NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	203 Quintara Street. Protesting the ISSUANCE on March 19, 2014, to SBC- Pacific Bell Engineering, EXCAVATION PERMIT (install new cabinet; telephone purpose). APPLICATION NO. 14EXC-1497. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 3-2 (President Lazarus and Commissioner Fung dissented) to continue the appeal to July 2, 2014 in order to allow the permit holder and Department to provide additional information on the safety of the alternate permit location at 2096 12th Avenue.

SPEAKERS: Sally Stephens, agent for appellant; Marina Moreno, agent for appellant; Foster Johnson, attorney for AT&T; Teddy Virheas, agent for permit holder; Marc Blakeman, agent for permit holder; John Kwong, DPW BSM.

PUBLIC COMMENT: Thomas McGivern spoke in support of appellant.

(9) **APPEAL NO. 14-067**

WILLIAM GOULD & MARGARET BANDA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	260 Laussat Street. Appealing the ISSUANCE on March 28, 2014, to Jeremy Paul / Quickdraw Permit Consulting, Letter of Determination (regarding a request to allow a two-year extension of Variance Case No. 2010.0588V dated 1/25/11, which granted variances to minimum lot area, rear yard and non-complying structure provisions of the Planning Code). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 5-0 to reschedule this appeal to June 11, 2014 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 14-068**

PATRICIA VAUGHEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2145 Market St., 2141 Chestnut St., 2050 Irving St., 1301 Franklin St., 498 & 1333 Castro St., 3201 Divisadero St., 1344 Stockton St., 33 Drumm St., 670 – 4th St., and 1524 & 2120 Polk St. Appealing the ISSUANCE on March 26, 2014, to Walgreens, Letter of Determination (regarding a request for the current zoning designation of various properties and whether a conditional use (CU) permit would be required to sell beer, wine and spirits). FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-1-1 (Commissioner Honda dissented and President Lazarus recused) to deny the appeal and uphold Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Patricia Vaughey, appellant; Dan Kramer, attorney for determination holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Ed Lane, Greg O'Flynn, Dawn Trennert and Marlayne Morgan spoke in support of the appellant.

ADJOURNMENT.

There being no further business, Vice President Hurtado adjourned the meeting at 8:15 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 11, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the June 04, 2014 minutes.

(4) JURISDICTION REQUEST

Subject property at 1149 Prague Street. Letter from Steven Currier, requestor, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-1815, which was issued by the Dept. of Public Works on April 04, 2014. The appeal period ended on April 21, 2014, and this jurisdiction request was filed at the Board office on May 20, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet.

(5) JURISDICTION REQUESTS

Subject property at 248-252 – 9th Street. Letter from Jakkee Bryson, requestor, asking that the Board take jurisdiction over Building Permit Application Nos. 2013/03/12/2047 and 2013/03/12/2049, which were both issued by the Dept. of Building Inspection on March 18, 2014. The appeal periods ended on April 02, 2014, and these jurisdiction requests were filed at the Board office on May 23, 2014. Permit Holder: Stanley Chia. **Project, 1st permit:** demolish one-story warehouse. **Project, 2nd permit:** erect 5 story, 15-unit multi-family residential building with one commercial unit.

(6) **APPEAL NO. 14-071**

VIVIAN LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3688 Cesar Chavez Street. Protesting the ISSUANCE on April 15, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2149. FOR HEARING TODAY.

(7) **APPEAL NO. 13-175**

FRANKLIN BOWLES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	30 Edith Street. Protesting the ISSUANCE on December 09, 2013, to Telegraph Hill Housing, LLC, Alteration Permit (alter/remodel existing building; add one new story; make a single-family dwelling; add new stair and elevator connecting 1st to 3rd floor; provide light well at 3rd floor to match existing light well at adjacent building; roof deck at 3rd floor). APPLICATION NO. 2008/12/31/9407S. FOR HEARING TODAY.

(8) **APPEAL NO. 14-070**

ROBERT THORPE, JOHN M. COOK, DOUGLAS LUNA, PAUL HOEBER, JEFF PATCH & JAMES CLAUSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	740 Bay Street. Protesting the ISSUANCE on April 1, 2014, to 740 Bay Street LLC, Alteration Permit (revision to BPA No. 2012/05/16/0388; add seating, counter top, movable planter & furniture at roof deck; add small bump out above third floor patio doors for water proofing; add lights). APPLICATION NO. 2014/02/19/8843. FOR HEARING TODAY.

(9) **APPEAL NO. 14-076**

MELANIE SCARDINA & CAROL CYPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2179 - 41st Avenue. Protesting the ISSUANCE on April 29, 2014, to John Thoelecke, Alteration Permit (remove any possible encroachments over property line along right side of building grid line C per plan; move wall to south ¾ inch; to comply with NOV No. 201455691). APPLICATION NO. 2014/04/29/4408. FOR HEARING TODAY.

(10) **APPEAL NO. 14-077**

LAURA THOMAS, CASTRO/UPPER MARKET COMMUNITY BENEFIT DISTRICT & DUBOCE TRIANGLE NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: BASSEM SIRHED Project Sponsor: AIDS HEALTHCARE FOUNDATION	518 Castro Street. Protesting a Release of Suspension Request dated April 18, 2014, addressed to Dept. of Building Inspection Director Tom Hui, asking that the suspension against BPA No. 2013/11/12/1689 be lifted for the reason that the project sponsor has informed the Planning Department that the proposed pharmacy would be changed to a non-Formula Retail Use which would not require Conditional Use Authorization for the project (change the use of a portion of the ground floor commercial space from a retail use to a medical office and pharmacy). FOR HEARING TODAY.

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Date posted: **June 06, 2014**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 11, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Arcelia Hurtado, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Chris Hwang.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Ann Lazarus.

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PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

PUBLIC COMMENT: None.

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(3) ADOPTION OF MINUTES

Discussion and possible adoption of the June 4, 2014 minutes.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (President Lazarus absent) to adopt the June 4, 2014 minutes.

SPEAKERS: None.
PUBLIC COMMENT: None.

(4) **JURISDICTION REQUEST**

Subject property at 1149 Prague Street. Letter from Steven Currier, requestor, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-1815, which was issued by the Dept. of Public Works on April 04, 2014. The appeal period ended on April 21, 2014, and this jurisdiction request was filed at the Board office on May 20, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (President Lazarus absent) to grant the request based on the City's inadvertent failure to provide notice to the requestor as offered.

SPEAKERS: Steven Currier, requestor; Foster Johnson, attorney for permit holder; John Kwong, DPW.

PUBLIC COMMENT: Nancy Barsotti spoke in support of the requestor.

(5) **JURISDICTION REQUESTS**

Subject property at 248-252 – 9th Street. Letter from Jakkee Bryson, requestor, asking that the Board take jurisdiction over Building Permit Application Nos. 2013/03/12/2047 and 2013/03/12/2049, which were both issued by the Dept. of Building Inspection on March 18, 2014. The appeal periods ended on April 02, 2014, and these jurisdiction requests were filed at the Board office on May 23, 2014. Permit Holder: Stanley Chia. **Project, 1st permit:** demolish one-story warehouse. **Project, 2nd permit:** erect 5 story, 15-unit multi-family residential building with one commercial unit.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-2 (President Lazarus absent and Commissioner Honda recused) to deny the requests.

SPEAKERS: Jakkee Bryson, requestor; Reza Khoshnevisan, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Aja Monet spoke in support of the requestor.

(6) **APPEAL NO. 14-071**

VIVIAN LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3688 Cesar Chavez Street. Protesting the ISSUANCE on April 15, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2149. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Lazarus absent) to continue the appeal to June 25, 2014 to allow the permit holder and the Department to provide

additional exhibits that demonstrate the infeasibility of alternate sites within 300 feet of the permit location.

SPEAKERS: Eric Fain, agent for appellant; Foster Johnson, attorney for permit holder; Marc Blakeman, agent for permit holder; John Kwong, DPW; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 13-175**

FRANKLIN BOWLES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	30 Edith Street. Protesting the ISSUANCE on December 09, 2013, to Telegraph Hill Housing, LLC, Alteration Permit (alter/remodel existing building; add one new story; make a single-family dwelling; add new stair and elevator connecting 1st to 3rd floor; provide light well at 3rd floor to match existing light well at adjacent building; roof deck at 3rd floor). APPLICATION NO. 2008/12/31/9407S. FOR HEARING TODAY.

ACTION: Withdrawn prior to hearing.

(8) **APPEAL NO. 14-070**

ROBERT THORPE, JOHN M. COOK, DOUGLAS LUNA, PAUL HOEBER, JEFF PATCH & JAMES CLAUSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	740 Bay Street. Protesting the ISSUANCE on April 21, 2014, to 740 Bay Street LLC, Alteration Permit (revision to BPA No. 2012/05/14/0388; add seating, counter top, movable planter & furniture at roof deck; add small bump out above third floor patio doors for water proofing; add lights). APPLICATION NO. 2014/02/19/8843. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 3-1-1 (Commissioner Fung dissented and President Lazarus absent) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Robert Thorpe, appellant; Augustín Piña, attorney for permit holder; Patrick Doherlty, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Michael Tyler, Xenophon Davidis, Amy Schustack, Scott Kramer and Laurie Kaufman spoke in support of the appellants.

(9) **APPEAL NO. 14-076**

MELANIE SCARDINA & CAROL CYPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2179 - 41st Avenue. Protesting the ISSUANCE on April 29, 2014, to John Thoelecke, Alteration Permit (remove any possible encroachments over property line along right side of building grid line C per plan; move wall to south ¾ inch; to comply with NOV No. 201455691). APPLICATION NO. 2014/04/29/4408. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (President Lazarus absent) to continue this matter to the Call of the Chair to allow the litigation between the parties to be resolved.

SPEAKERS: Carol Cypert, appellant; Melanie Scardina, appellant; John Thoelecke, permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Joyce Cho spoke in support of the appellant.

(10) **APPEAL NO. 14-077**

LAURA THOMAS, CASTRO/UPPER MARKET COMMUNITY BENEFIT DISTRICT & DUBOCE TRIANGLE NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: BASSEM SIRHED Project Sponsor: AIDS HEALTHCARE FOUNDATION	518 Castro Street. Protesting a Release of Suspension Request dated April 18, 2014, addressed to Dept. of Building Inspection Director Tom Hui, asking that the suspension against BPA No. 2013/11/12/1689 be lifted for the reason that the project sponsor has informed the Planning Department that the proposed pharmacy would be changed to a non-Formula Retail Use which would not require Conditional Use Authorization for the project (change the use of a portion of the ground floor commercial space from a retail use to a medical office and pharmacy). FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-1-1 (Commissioner Fung dissented and President Lazarus absent) to continue this matter to August 20, 2014 to allow the permit holder to submit evidence as to why the proposed project is not a Formula Retail Use under the Planning Code, with additional response briefing allowed by the appellants and Zoning Administrator.

SPEAKERS: Andrea Aiello, agent for appellant (Castro/Upper Market Community Benefit District); Dennis Richards, agent for appellant (Duboce Triangle Neighborhood Association); Laura Thomas,

appellant; Laura Boudreau, attorney for permit holder; Lisha Wilson, agent for permit holder; Cynthia Davis, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Sara Smith, Aaron Baldwin, Christopher Berini, James Loduca, Race Bannon, Alex Walker, Alan Guttirez, Kyle Smeallie, Christin Evans, Keith Folger and Mike Shriver spoke in support of the appellants. Jesse Brooks and Tracy Jones spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, Vice President Hurtado adjourned the meeting at 10:35 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for June 18, 2014. The next regular meeting is scheduled for **WEDNESDAY, JUNE 25, 2014**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **June 13, 2014**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 25, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

5/14

(2) COMMISSIONER COMMENTS & QUESTIONS

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(3) ADOPTION OF MINUTES

Discussion and possible adoption of the June 11, 2014 minutes.

(4) JURISDICTION REQUEST

Subject property at 1442-1444-1446-1448 Cabrillo Street. Letter from Tuan Ma, requestor, asking that the Board take jurisdiction over BPA No. 2013/12/30/5194, which was issued on January 06, 2014 by the Dept. of Building Inspection. The appeal period ended on January 21, 2014, and the jurisdiction request was filed at the Board office on May 28, 2014. Permit Holder: Benjamin Schein. Project: replace 43 windows visible from street with Fibrex windows; no structural change; like for like.

(5) APPEAL NO. 14-080

MARIE MORALES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2386 - 30th Avenue. Protesting the ISSUANCE on May 01, 2014, to Nhi Hoang, Alteration Permit (remove unpermitted kitchen (installed by previous owner) on the legal habitable ground floor per plans and disconnect utilities; touch up paint and finish; revert this area back to last legal use). APPLICATION NO. 2014/04/30/4598. FOR HEARING TODAY.

(6) **APPEAL NO. 14-078**

JASON FISHER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1515 - 11th Avenue. Protesting the ISSUANCE on May 02, 2014, to Fred Santiago, Alteration Permit (to comply with NOV No. 201282055 and to legalize storage & laundry rooms and bath on 1st floor). APPLICATION NO. 2014/03/07/0197. FOR HEARING TODAY.

(7) **JURISDICTION REQUEST**

Subject property at 1301 Stanyan Street. Letter from Alicia & Benito Noyola, Daniel & Leah Santi, Kevin Yeaman & Rachel Swain, and Paul & Neff Rotter, requestors, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-2360, which was issued on April 23, 2014 by the Dept. of Public Works. The appeal period ended on May 08, 2014, and the jurisdiction request was filed at the Board office on June 03, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet.

(8) **APPEAL NO. 14-071**

VIVIAN LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3688 Cesar Chavez Street. Protesting the ISSUANCE on April 15, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2149. PUBLIC HEARING HELD ON JUNE 11, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the permit holder or DPW to submit exhibits showing the technical infeasibility of the alternate sites.**

(9) **JURISDICTION REQUEST**

Subject property at 301 – 26th Avenue. Letter from George Choppelas, requestor, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-2144, which was issued by the Dept. of Public Works on April 14, 2014. The appeal period ended on April 29, 2014, and this jurisdiction request was filed at the Board office on June 12, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet.

(10) **APPEAL NO. 14-079**

GEORGE CHOPPELAS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	301 - 26th Avenue. Protesting the ISSUANCE on May 02, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2144. FOR HEARING TODAY.

ITEMS 11- 20 MAY BE HEARD TOGETHER:

(11) **APPEAL NO. 14-081**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	982 Rhode Island Street. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2385. FOR HEARING TODAY.

(12) **APPEAL NO. 14-082**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2852 - 25th Street. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2388. FOR HEARING TODAY.

(13) **APPEAL NO. 14-083**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1305 - 17th Street. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2390. FOR HEARING TODAY.

(14) **APPEAL NO. 14-084**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3 Mirabel Avenue. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2391. FOR HEARING TODAY.

(15) **APPEAL NO. 14-085**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	6202 California Street. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2392. FOR HEARING TODAY.

(16) **APPEAL NO. 14-086**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	392 - 5th Avenue. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2393. FOR HEARING TODAY.

(17) **APPEAL NO. 14-087**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	588 Brunswick Street. Appealing the DENIAL on May 01, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2599. FOR HEARING TODAY.

(18) **APPEAL NO. 14-088**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	201 - 12th Avenue. Appealing the DENIAL on May 01, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2602. FOR HEARING TODAY.

(19) **APPEAL NO. 14-089**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	60 - 30th Street. Appealing the DENIAL on May 01, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2603. FOR HEARING TODAY.

(20) **APPEAL NO. 14-090**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1 Eugenia Avenue. Appealing the DENIAL on May 01, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2594. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 20, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the

official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 25, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Chris Hwang.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Corey Teague, Assistant Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Arcelia Hurtado.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

PUBLIC COMMENT: None.

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(3) ADOPTION OF MINUTES

Discussion and possible adoption of the June 11, 2014 minutes.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Vice President Hurtado absent) to adopt the June 11, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **JURISDICTION REQUEST**

Subject property at 1442-1444-1446-1448 Cabrillo Street. Letter from Tuan Ma, requestor, asking that the Board take jurisdiction over BPA No. 2013/12/30/5194, which was issued on January 06, 2014 by the Dept. of Building Inspection. The appeal period ended on January 21, 2014, and the jurisdiction request was filed at the Board office on May 28, 2014. Permit Holder: Benjamin Schein. Project: replace 43 windows visible from street with Fibrex windows; no structural change; like for like.

ACTION: This matter was withdrawn prior to hearing.

(5) **APPEAL NO. 14-080**

MARIE MORALES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2386 - 30th Avenue. Protesting the ISSUANCE on May 01, 2014, to Nhi Hoang, Alteration Permit (remove unpermitted kitchen (installed by previous owner) on the legal habitable ground floor per plans and disconnect utilities; touch up paint and finish; revert this area back to last legal use). APPLICATION NO. 2014/04/30/4598. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Vice President Hurtado absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Marie Morales, appellant; Jesse Ralph, attorney for permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 14-078**

JASON FISHER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1515 - 11th Avenue. Protesting the ISSUANCE on May 02, 2014, to Fred Santiago, Alteration Permit (to comply with NOV No. 201282055 and to legalize storage & laundry rooms and bath on 1st floor). APPLICATION NO. 2014/03/07/0197. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Vice President Hurtado absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Alex Merchant, attorney for appellant; Jason Fisher, appellant; Fred Santiago, permit holder; Joseph Duffy, DBI, Corey Teague, ZA.

PUBLIC COMMENT: None.

(7) **JURISDICTION REQUEST**

Subject property at 1301 Stanyan Street. Letter from Alicia & Benito Noyola, Daniel & Leah Santi, Kevin Yeaman & Rachel Swain, and Paul & Neff Rotter, requestors, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-2360, which was issued on April 23, 2014 by the Dept. of Public Works. The appeal period ended on May 08, 2014, and the jurisdiction request was filed at the Board office on June 03, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet.

ACTION: Upon motion by Commissioner Hwang, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to deny the request.

SPEAKERS: David Strain, agent for requestors; Foster Johnson, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Hilda Falkenstein spoke in support of the requestor.

(8) **APPEAL NO. 14-071**

VIVIAN LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3688 Cesar Chavez Street. Protesting the ISSUANCE on April 15, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2149. PUBLIC HEARING HELD ON JUNE 11, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the permit holder or DPW to submit exhibits showing the technical infeasibility of the alternate sites.**

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to continue the appeal to July 23, 2014 to allow time for the Department to meet with the permit holder to develop an exhibit that clearly depicts the lack of any viable alternative sites for this Surface Mounted Facility.

SPEAKERS: Foster Johnson, attorney for permit holder; Linda Schussel, agent for permit holder; Eric Fain, agent for appellant; Carla Short, DPW.

PUBLIC COMMENT: None.

(9) JURISDICTION REQUEST

Subject property at 301 – 26th Avenue. Letter from George Choppelas, requestor, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-2144, which was issued by the Dept. of Public Works on April 14, 2014. The appeal period ended on April 29, 2014, and this jurisdiction request was filed at the Board office on June 12, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet.

ACTION: Upon motion by Commissioner Hwang, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to continue the Request to July 2, 2014 to allow the missing Board member to participate in the final vote.

SPEAKERS: Steven MacDonald, attorney for requestor; Foster Johnson, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Hilda Falkenstein spoke in support of the requestor.

(10) **APPEAL NO. 14-079**

GEORGE CHOPPELAS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	301 - 26th Avenue. Protesting the ISSUANCE on May 02, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2144. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to continue this matter to July 2, 2014.

SPEAKERS: Steven MacDonald, attorney for requestor; Foster Johnson, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 14-081**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	982 Rhode Island Street. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2385. FOR HEARING TODAY.

ACTION: This matter was withdrawn prior to hearing.

ITEMS 12- 20 MAY BE HEARD TOGETHER:

(12) **APPEAL NO. 14-082**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2852 - 25th Street. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2388. FOR HEARING TODAY.

(13) **APPEAL NO. 14-083**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1305 - 17th Street. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2390. FOR HEARING TODAY.

(14) **APPEAL NO. 14-084**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3 Mirabel Avenue. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2391. FOR HEARING TODAY.

(15) **APPEAL NO. 14-085**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	6202 California Street. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2392. FOR HEARING TODAY.

(16) **APPEAL NO. 14-086**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	392 - 5th Avenue. Appealing the DENIAL on April 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2393. FOR HEARING TODAY.

(17) **APPEAL NO. 14-087**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	588 Brunswick Street. Appealing the DENIAL on May 01, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2599. FOR HEARING TODAY.

(18) **APPEAL NO. 14-088**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	201 - 12th Avenue. Appealing the DENIAL on May 01, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2602. FOR HEARING TODAY.

(19) **APPEAL NO. 14-089**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	60 - 30th Street. Appealing the DENIAL on May 01, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2603. FOR HEARING TODAY.

(20) **APPEAL NO. 14-090**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1 Eugenia Avenue. Appealing the DENIAL on May 01, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-2594. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to deny the appeals and uphold the Department on the basis that the permits were properly denied.

SPEAKERS: Foster Johnson, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Appeal No. 14-082: None. Appeal No. 14-083: Sarah Pasquinelli and Gary Pasquinelli spoke in support of the Department. Appeal No. 14-084: Anita Kline and Deborah Porter spoke in support of the Department. Appeal No. 14-085: None. Appeal No. 14-086: None. Appeal No, 14-087: None. Appeal No. 14-088: None. Appeal No.14-089: Nancy Barrett and Frank Beneduci spoke in support of the Department.

ADJOURNMENT.

There being no further business, Commissioner Hwang acting as Chair *pro tem.* adjourned the meeting at 9:30 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 02, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the June 25, 2014 minutes.

(4) **APPEAL NO. 14-058**

CHRISTOPHER DELANEY, ROCKNE BOGER, LORIE MAAK-INGRAM, JIM MAGER & VICTORIA ZACKSORN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2051 - 3rd Street aka 650 Illinois Street. Protesting the ISSUANCE on January 14, 2014, to Richard Price, Tree Removal Permit (approval to remove six (6) existing trees and plant nine (9) new trees). APPLICATION NO. 771015. JURISDICTION GRANTED MARCH 19, 2014. FOR REHEARING TODAY. **Note: on May 07, 2014, the Board upheld this permit with various conditions; and on June 04, 2014, the Board granted the appellants' rehearing request and scheduled the rehearing for July 02, 2014.**

(5) **APPEAL NO. 14-065**

GOLDEN GATE HEIGHTS NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	203 Quintara Street. Protesting the ISSUANCE on March 19, 2014, to SBC- Pacific Bell Engineering, EXCAVATION PERMIT (install new cabinet; telephone purpose). APPLICATION NO. 14EXC-1497. PUBLIC HEARING HELD ON JUNE 04, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the permit holder and DPW to submit additional information on the safety of the alternate permit location at 2096 – 12th Avenue.**

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 27, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	**PRESIDENT**
ARCELIA HURTADO	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
DARRYL HONDA	**COMMISSIONER**
CHRIS HWANG	**COMMISSIONER**

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 2, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Arcelia Hurtado, Commissioner Frank Fung and Commissioner Darryl Honda.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Chris Hwang.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

PUBLIC COMMENT: None.

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(3) ADOPTION OF MINUTES

Discussion and possible adoption of the June 25, 2014 minutes.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Commissioner Hwang absent) to adopt the June 25, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 14-058**

CHRISTOPHER DELANEY, ROCKNE BOGER, LORIE MAAK-INGRAM, JIM MAGER & VICTORIA ZACKSORN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2051 - 3rd Street aka 650 Illinois Street. Protesting the ISSUANCE on January 14, 2014, to Richard Price, Tree Removal Permit (approval to remove six (6) existing trees and plant nine (9) new trees). APPLICATION NO. 771015. JURISDICTION GRANTED MARCH 19, 2014. FOR REHEARING TODAY. **Note: on May 07, 2014, the Board upheld this permit with various conditions; and on June 04, 2014, the Board granted the appellants' rehearing request and scheduled the rehearing for July 02, 2014.**

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeal and uphold the permit on the basis that the permit was properly issued, and on the condition that the replacement trees be of a 48" box size or if possible 60" box size as determined by the Department of Public Works.

SPEAKERS: Christopher Delaney, appellant; Raymond Moritz, agent for appellant; Richard Price, permit holder; Roy Leggitt, agent for permit holder; Melinda Sarjapur, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Amy Bickerton and Jake Rheinfrank spoke in support of the appellant. Rob Poole and Sonja Trauss spoke in support of the permit holder.

(5) **APPEAL NO. 14-065**

GOLDEN GATE HEIGHTS NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	203 Quintara Street. Protesting the ISSUANCE on March 19, 2014, to SBC- Pacific Bell Engineering, EXCAVATION PERMIT (install new cabinet; telephone purpose). APPLICATION NO. 14EXC-1497. PUBLIC HEARING HELD ON JUNE 04, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the permit holder and DPW to submit additional information on the safety of the alternate permit location at 2096 – 12th Avenue.**

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-2 (Commissioner Hwang absent and President Lazarus recused) to continue the appeal to August 27, 2014 to allow the Department to analyze this permit under the new Surface Mounted Facilities ordinance.

SPEAKERS: Marina Moreno, agent for appellant; Jonathan Guss, agent for permit holder; Teddy Vriheaus, agent for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Thomas McGivern spoke in support of the appellant.

ADJOURNMENT.

There being no further business, Vice President Hurtado adjourned the meeting at 6:20 p.m.

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for July 09, 2014. The next regular meeting is scheduled for **WEDNESDAY, JULY 16, 2014**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

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ancelled

Date Posted: **July 03, 2014**

Victor F. Pacheco, Legal Assistant
Board of Appeals, Dept. 37
City & County of San Francisco
Tel: 415-575-6880
Fax: 415-575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 16, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

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(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the July 02, 2014 minutes.

(4) **JURISDICTION REQUEST**

Subject property at 399 Fremont Street. Letter from Thomas Tunny, attorney for 399 Fremont LLC, requestor, asking that the Board take jurisdiction over the issuance of a Project Development Fee Report regarding BPA No. 2006/05/16/1774 by the Department of Building Inspection. The appeal period began on June 13, 2013 and ended on June 28, 2013; and this jurisdiction request was filed at the Board office on June 18, 2014. Project: erect a 42-story building with 452 dwelling units and three basement levels.

(5) **APPEAL NO. 14-100**

ALEX KIM dba "IT'S MARKET",, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1561 Fillmore Street. Appealing the SUSPENSION on May 19, 2014, of Tobacco Sales Establishment Permit (suspension of 25 days for selling tobacco to minors). CASE NO. SMK-1403. FOR HEARING TODAY.

ITEMS (6A), & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 14-097**

STEVEN CURRIER & NANCY BARSOTTI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1149 Prague Street. Protesting the ISSUANCE on May 02, 2014, to SBC - Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-1815. FOR HEARING TODAY.

(6B) **APPEAL NO. 14-115**

STEVEN CURRIER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1149 Prague Street. Protesting the ISSUANCE on April 04, 2014, to SBC- Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-1815. JURISDICTION GRANTED JUNE 11, 2014. FOR HEARING TODAY.

(7) **APPEAL NO. 14-096**

TAMERA BRIONES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1767 Northpoint Street. Protesting the ISSUANCE on April 28, 2014, to Pat Howson, Alteration Permit (one-story rear addition; legalize ground floor unit; convert from 2-unit R3 to 3-unit R2; new fire sprinkler system to be provided under separate permit). APPLICATION NO. 2012/07/30/6039"S". FOR HEARING TODAY.

ITEMS (8A), (8B) & (8C) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 14-098**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1020 Filbert Street. Protesting the ISSUANCE on March 20, 2014, to Xelan Prop 1 LLC, Alteration Permit (remove illegal unit and convert back to legal use as single family home; connect both floors with new stair case interior). APPLICATION NO. 2014/03/20/1296. FOR HEARING TODAY.

(8B) **APPEAL NO. 14-101**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 08, 2014, to Xelan Prop 1 LLC, Alteration Permit (three kitchen and four bathroom remodel; units 1008, 1002, 1006 and 1000; no structural work). APPLICATION NO. 2014/05/07/5172. FOR HEARING TODAY.

(8C) **APPEAL NO. 14-104**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 19, 2014, to Xelan Prop 1 LLC, Plumbing Permit (install forced air furnace). APPLICATION NO. PM2014/05/19/847. FOR HEARING TODAY.

(9) **APPEAL NO. 14-119**

SMART CYCLE RECYCLING, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	405 - 10th Street. Protesting the ISSUANCE on June 05, 2014, of a Request for Suspension (requesting that BPA No. 2014/01/14/6245 be suspended for the reason that this permit was issued over-the-counter in error without the required neighborhood notification as per Planning Code Section 312). FOR HEARING TODAY.

(10) **APPEAL NO. 13-142**

GREG BLEDNYH & MARIA MAZZEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	181 Edgehill Way. Protesting the ISSUANCE on October 23, 2013, to Steven Fujii, Alteration Permit (drainage of property at rear; revision to BPA Nos. 2001/04/04/6019 and 2012/12/28/6978). APPLICATION NO. 2013/09/19/7262. PUBLIC HEARING HELD ON DEC. 18, 2013. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow the DBI to formulate and require completion of emergency work, and for DBI to formulate a process to move the project forward.**

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 11, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

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Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

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Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 16, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Arcelia Hurtado, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Chris Hwang.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Janine Young, Senior Health Inspector, Department of Public Health Environmental Health Section (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

PUBLIC COMMENT: None.

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(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the July 16, 2014 minutes.

ACTION: Upon motion by Commissioner Honda, the Board voted 5-0 to adopt the July 16, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **JURISDICTION REQUEST**

Subject property at 399 Fremont Street. Letter from Thomas Tunny, attorney for 399 Fremont LLC, requestor, asking that the Board take jurisdiction over the issuance of a Project Development Fee Report regarding BPA No. 2006/05/16/1774 by the Department of Building Inspection. The appeal period began on June 13, 2013 and ended on June 28, 2013; and this jurisdiction request was filed at the Board office on June 18, 2014. Project: erect a 42-story building with 452 dwelling units and three basement levels.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request.

SPEAKERS: Thomas Tunny, attorney for requestor; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 14-100**

ALEX KIM dba "IT'S MARKET",, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1561 Fillmore Street. Appealing the SUSPENSION on May 19, 2014, of Tobacco Sales Establishment Permit (suspension of 25 days for selling tobacco to minors). CASE NO. SMK-1403. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Commissioner Hwang dissented) to grant the appeal and reduce the suspension to fifteen days on the basis that the violation was a first offense.

SPEAKERS: Robert Cummings, attorney for appellant; Alex Kim, appellant; Janine Young, DPH.

PUBLIC COMMENT: Rev. Arnold Townsend spoke in support of the appellant.

ITEMS (6A), & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 14-097**

STEVEN CURRIER & NANCY BARSOTTI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1149 Prague Street. Protesting the ISSUANCE on May 02, 2014, to SBC - Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-1815. FOR HEARING TODAY.

(6B) **APPEAL NO. 14-115**

STEVEN CURRIER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1149 Prague Street. Protesting the ISSUANCE on April 04, 2014, to SBC- Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-1815. JURISDICTION GRANTED JUNE 11, 2014. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0-1 (President Lazarus recused) to grant the appeals, overturn the Department and deny the permits on the basis that the permits do not comply with San Francisco Public Works Code Article 27 (Ordinance No. 76-14), and with a finding that the one year bar to reapplication found in San Francisco Business and Tax Regulations Code Article 1, Section 31 does not apply.

SPEAKERS: Steven Currier, appellant; Nancy Barsotti, appellant; Foster Johnson, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Luigi Gaglione, Frankie Pang and David Lowery spoke in support of the appellants.

(7) **APPEAL NO. 14-096**

TAMERA BRIONES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1767 Northpoint Street. Protesting the ISSUANCE on April 28, 2014, to Pat Howson, Alteration Permit (one-story rear addition; legalize ground floor unit; convert from 2-unit R3 to 3-unit R2; new fire sprinkler system to be provided under separate permit). APPLICATION NO. 2012/07/30/6039"S". FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Stephen Williams, attorney for appellant; Jaemin Chang, attorney for permit holder, Jack Scott, agent for permit holder; Pat Howson, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (8A), (8B) & (8C) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 14-098**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1020 Filbert Street. Protesting the ISSUANCE on March 20, 2014, to Xelan Prop 1 LLC, Alteration Permit (remove illegal unit and convert back to legal use as single family home; connect both floors with new stair case interior). APPLICATION NO. 2014/03/20/1296. FOR HEARING TODAY.

(8B) **APPEAL NO. 14-101**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 08, 2014, to Xelan Prop 1 LLC, Alteration Permit (three kitchen and four bathroom remodel; units 1008, 1002, 1006 and 1000; no structural work). APPLICATION NO. 2014/05/07/5172. FOR HEARING TODAY.

(8C) **APPEAL NO. 14-104**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 19, 2014, to Xelan Prop 1 LLC, Plumbing Permit (install forced air furnace). APPLICATION NO. PM2014/05/19/847. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 5-0 to reschedule these appeals to September 17, 2014 at the request of the parties.

SPEAKERS: Nancy Conway, attorney for appellant; Karen Uchiyama, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 14-119**

SMART CYCLE RECYCLING, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	405 - 10th Street. Protesting the ISSUANCE on June 05, 2014, of a Request for Suspension (requesting that BPA No. 2014/01/14/6245 be suspended for the reason that this permit was issued over-the-counter in error without the required neighborhood notification as per Planning Code Section 312). FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 5-0 to deny the appeal and uphold the suspension on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Jay Houghton, attorney for appellant; Ors Csaszar, appellant; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Jim Mannix, Christopher Hall, James Spinello, Julie Seidel, Gayle Rubin, James Snidle, Adrian Simms, Martha Cooper and Jay Marston spoke in support of the Zoning Administrator.

(10) **APPEAL NO. 13-142**

GREG BLEDNYH & MARIA MAZZEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	181 Edgehill Way. Protesting the ISSUANCE on October 23, 2013, to Steven Fujii, Alteration Permit (drainage of property at rear; revision to BPA Nos. 2001/04/04/6019 and 2012/12/28/6978). APPLICATION NO. 2013/09/19/7262. PUBLIC HEARING HELD ON DEC. 18, 2013. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow the DBI to formulate and require completion of emergency work, and for DBI to formulate a process to move the project forward.**

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to continue this matter to November 5, 2014 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT

There being no further business, President Lazarus adjourned the meeting at 8:50 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 23, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

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(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the July 16, 2014 minutes.

(4) **APPEAL NO. 14-071**

VIVIAN LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3688 Cesar Chavez Street. Protesting the ISSUANCE on April 15, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2149. PUBLIC HEARINGS HELD ON JUNE 11, AND JUNE 25, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the Department to meet with the permit holder to develop an exhibit that clearly depicts the lack of any viable alternative sites for this Surface Mounted Facility.**

(5) JURISDICTION REQUEST

Subject property at 301 – 26th Avenue. Letter from George Choppelas, requestor, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-2144, which was issued by the Dept. of Public Works on April 14, 2014. The appeal period ended on April 29, 2014, and this jurisdiction request was filed at the Board office on June 12, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet. **Note: public hearing held June 25, 2014; matter continued to allow Vice President Hurtado to participate in the final vote.**

(6) **APPEAL NO. 14-079**

GEORGE CHOPPELAS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	301 - 26th Avenue. Protesting the ISSUANCE on May 02, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2144. FOR HEARING TODAY.

(7) **APPEAL NO. 14-105**

MICHAEL KLOTSMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2047 Polk Street. Protesting the ISSUANCE on May 30, 2014, to Gary Yeung, Plumbing Permit (remove stove and cap off gas pipe). APPLICATION NO. PP2014/05/30/128. FOR HEARING TODAY.

(8) **APPEAL NO. 14-103**

GREG SCHOEPP, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1545 Ocean Avenue. Protesting the ISSUANCE on May 23, 2014, to Waterfall Wellness Health Center, Medical Cannabis Dispensary Permit (provisional permit). FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 18, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three

minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 23, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Chris Hwang.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Aleeta Van Runkle, Deputy City Attorney, OCA; Ryan Clausnitzer, Medical Cannabis Dispensary Program Manager, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Arcelia Hurtado.

(1) **PUBLIC COMMENT**

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PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: Commissioner Honda noted that this would be Commissioner Hwang's last meeting as a member of the Board. He expressed his appreciation for Commissioner Hwang's service and wished her the best with her future activities. President Lazarus expressed her pleasure at having had the opportunity to serve with Commissioner Hwang and conveyed her admiration of how she handled the cases that have come before the Board. Commissioner Fung noted that he would always welcome Commissioner Hwang back to the Board and Director Goldstein expressed her appreciation for Commissioner Hwang's leadership as former Board President and for her support of the work of staff. Commissioner Hwang remarked that it has been an honor, privilege and unexpected pleasure to serve as a Board member. She expressed her appreciation for the work of the staff and her fellow Board members.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the July 16, 2014 minutes.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Vice President Hurtado absent) to adopt the July 16, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 14-071**

VIVIAN LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3688 Cesar Chavez Street. Protesting the ISSUANCE on April 15, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2149. PUBLIC HEARINGS HELD ON JUNE 11, AND JUNE 25, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the Department to meet with the permit holder to develop an exhibit that clearly depicts the lack of any viable alternative sites for this Surface Mounted Facility.**

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to (1) continue this matter to October 8, 2014 due to the insufficient number of Board members available to participate at this hearing; and (2) allow the permit holder to submit additional exhibits.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **JURISDICTION REQUEST**

Subject property at 301 – 26th Avenue. Letter from George Choppelas, requestor, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-2144, which was issued by the Dept. of Public Works on April 14, 2014. The appeal period ended on April 29, 2014, and this jurisdiction request was filed at the Board office on June 12, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet. **Note: public hearing held June 25, 2014; matter continued to allow Vice President Hurtado to participate in the final vote.**

ACTION: Upon motion by Commissioner Honda, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus absent recused) to rescheduled this matter to September 17, 2014 due to the insufficient number of Board members available to participate at this hearing.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 14-079**

GEORGE CHOPPELAS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	301 - 26th Avenue. Protesting the ISSUANCE on May 02, 2014, to SBC-Pacific Bell Engineering, UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2144. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 3-0-2 (Vice President Hurtado absent and President Lazarus recused) to rescheduled this matter to September 17, 2014 due to the insufficient number of Board members available to participate at this hearing.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 14-105**

MICHAEL KLOTSMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2047 Polk Street. Protesting the ISSUANCE on May 30, 2014, to Gary Yeung, Plumbing Permit (remove stove and cap off gas pipe). APPLICATION NO. PP2014/05/30/128. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Hwang, the Board voted 3-1-1 (Commissioner Fung dissented and Vice President Hurtado absent) to continue this matter to October 8, 2014 to allow time for the Department of Building Inspection's Housing Inspection Services to complete its

investigation and for the Department of Building Inspection to further explore whether this permit should have an accompanying building permit. No additional briefing is allowed.

SPEAKERS: Dave Crow, attorney for appellant; Stanley Riddell, attorney for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 14-103**

GREG SCHOEPP, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1545 Ocean Avenue. Protesting the ISSUANCE on May 23, 2014, to Waterfall Wellness Health Center, Medical Cannabis Dispensary Permit (provisional permit). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to continue this matter to October 29, 2014 to allow time for the Department of Public Heath to submit the audio recording of the DPH Director's hearing and to allow additional briefing by the parties.

SPEAKERS: Dorji Roberts, attorney for appellant; Greg Schoepp, appellant; Paul Perdue, attorney for permit holder; Aleeta Van Runkle, OCA on behalf of DPH; Ryan Clausnitzer, DPH; Scott Sanchez, ZA.

PUBLIC COMMENT: Dustin Tyssen, Edward Breslin, Shona Gochenaur, Michael Goldman, Mike Hinkle, Heather Marshall, Russell Kyle, Paul Hansbury, Gregory Ledbetter, Susan Tibbon, Brenda Arvee, Robert Rees and Larry Juicy Edmond spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 7:50 p.m.

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for either July 30, 2014 or August 06, 2014, and has **CANCELLED** the meeting of August 13, 2014. The next regular meeting is scheduled for **WEDNESDAY, AUGUST 20, 2014**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **July 25, 2014**

Victor F. Pacheco, Legal Assistant
Board of Appeals, Dept. 37
City & County of San Francisco
Tel: 415-575-6880
Fax: 415-575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 20, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS

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(3) ADOPTION OF MINUTES

Discussion and possible adoption of the July 23, 2014 minutes.

(4) JURISDICTION REQUEST

Subject property at 587 – 29th Street. Letter from Yochai & Orna Konig, requestors, asking that the Board take jurisdiction over BPA No. 2013/11/22/2698S, which was issued by the Department of Building Inspection on May 28, 2014. The appeal period ended on June 12, 2014, and this jurisdiction request was filed at the Board office on July 31, 2014. Project: existing two-story residence to be preserved and raised to accommodate new garage with two off-street parking spaces; new three-story addition at rear. Permit Holders: Joerg Schumann & Sara Roberts.

(5) JURISDICTION REQUEST

Subject property at 1125 Broderick Street. Letter from Josh Krieger, Jing Liang, Bruce Robertson and Catherine Grove, requestors, asking that the Board take jurisdiction over BPA No. 2014/04/18/3598, which was issued by the Department of Building Inspection on April 29, 2014. The appeal period ended on May 14, 2014, and this jurisdiction request was filed at the Board office on August 04, 2014. Project: new roof deck; replace existing front concrete steps in kind; new wood railings; comply with NOV No. 201456261 for collapsing deck. Permit Holder: Envisage Properties.

(6) **APPEAL NO. 14-120**

KOSMAS & STAVROULA SKINAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	15 Allison Street. Protesting the ISSUANCE on June 09, 2014, to Xi Wen Pei, Alteration Permit (two-story horizontal rear addition, and one-story vertical addition setback approximately 16.5' from the front building wall). APPLICATION NO. 2013/01/31/9224S. FOR HEARING TODAY.

(7) **APPEAL NO. 14-077**

LAURA THOMAS, CASTRO/UPPER MARKET COMMUNITY BENEFIT DISTRICT & DUBOCE TRIANGLE NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: BASSEM SIRHED Project Sponsor: AIDS HEALTHCARE FOUNDATION	518 Castro Street. Protesting a Release of Suspension Request dated April 18, 2014, addressed to Dept. of Building Inspection Director Tom Hui, asking that the suspension against BPA No. 2013/11/12/1689 be lifted for the reason that the project sponsor has informed the Planning Department that the proposed pharmacy would be changed to a non-Formula Retail Use which would not require Conditional Use Authorization for the project (change the use of a portion of the ground floor commercial space from a retail use to a medical office and pharmacy). PUBLIC HEARING HELD ON JUNE 11, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for AIDS Healthcare Foundation to submit additional evidence regarding its status under the formula retail regulations.**

(8) **APPEAL NO. 14-102**

ANGUS PERA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3660 - 21st Street. Protesting the GRANTING on May 15, 2014, to 3660 - 21st Street LLC, Variance (to construct additions to an existing single-family dwelling and construct a detached garage at the front of the lot). CASE NO. 2013.0179V. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 15, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
*** VACANCY ***	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed

seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting

room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct

Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 20, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Arcelia Hurtado and Commissioner Frank Fung.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Darryl Honda.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Vice President Hurtado apologized for arriving late and explained that a work obligation caused her delay.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the July 23, 2014 minutes.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (Commissioner Honda absent) to adopt the July 23, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **JURISDICTION REQUEST**

Subject property at 587 – 29th Street. Letter from Yochai & Orna Konig, requestors, asking that the Board take jurisdiction over BPA No. 2013/11/22/2698"S", which was issued by the Department of Building Inspection on May 28, 2014. The appeal period ended on June 12, 2014, and this jurisdiction request was filed at the Board office on July 31, 2014. Project: existing two-story residence to be preserved and raised to accommodate new garage with two off-street parking spaces; new three-story addition at rear. Permit Holders: Joerg Schumann & Sara Roberts.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (Commissioner Honda absent) to deny the request.

SPEAKERS: Robert Selna, attorney for requestor; Joerg Schumann, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **JURISDICTION REQUEST**

Subject property at 1125 Broderick Street. Letter from Josh Krieger & Jing Liang, and Bruce Robertson & Catherine Grove, requestors, asking that the Board take jurisdiction over BPA No. 2014/04/18/3598, which was issued by the Department of Building Inspection on April 29, 2014. The appeal period ended on May 14, 2014, and this jurisdiction request was filed at the Board office on August 04, 2014. Project: new roof deck; replace existing front concrete steps in kind; new wood railings; comply with NOV No. 201456261 for collapsing deck. Permit Holder: Envisage Properties.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (Commissioner Honda absent) to deny the request.

SPEAKERS: Josh Krieger, requestor; David Cardinal, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

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(6) **APPEAL NO. 14-120**

KOSMAS & STAVROULA SKINAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	15 Allison Street. Protesting the ISSUANCE on June 09, 2014, to Xi Wen Pei, Alteration Permit (two-story horizontal rear addition, and one-story vertical addition setback approximately 16.5' from the front building wall). APPLICATION NO. 2013/01/31/9224"S". FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Honda absent) to continue this matter to August 27, 2014 to allow time for the Department of Building Inspection to inspect the property to investigate outstanding complaints.

SPEAKERS: Nick Skinas, agent for appellants; Bill Guan, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 14-077**

LAURA THOMAS, CASTRO/UPPER MARKET COMMUNITY BENEFIT DISTRICT & DUBOCE TRIANGLE NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: BASSEM SIRHED Project Sponsor: AIDS HEALTHCARE FOUNDATION	518 Castro Street. Protesting a Release of Suspension Request dated April 18, 2014, addressed to Dept. of Building Inspection Director Tom Hui, asking that the suspension against BPA No. 2013/11/12/1689 be lifted for the reason that the project sponsor has informed the Planning Department that the proposed pharmacy would be changed to a non-Formula Retail Use which would not require Conditional Use Authorization for the project (change the use of a portion of the ground floor commercial space from a retail use to a medical office and pharmacy). PUBLIC HEARING HELD ON JUNE 11, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for AIDS Healthcare Foundation to submit additional evidence regarding its status under formula retail regulations.**

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (Commissioner Honda absent) to dismiss the appeal as moot based on the applicability of the interim zoning controls found in Board of Supervisors Resolution 238-14.

SPEAKERS: Scott Sanchez, ZA; Ryan Patterson, attorney for permit holder; Dale Gluth, agent for permit holder; Andrea Aiello, agent for appellants; Laura Thomas, appellant.

PUBLIC COMMENT: James Loduca and Aaron Baldwin spoke in support of the appellants.

(8) **APPEAL NO. 14-102**

ANGUS PERA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3660 - 21st Street. Protesting the GRANTING on May 15, 2014, to 3660 - 21st Street LLC, Variance (to construct additions to an existing single-family dwelling and construct a detached garage at the front of the lot). CASE NO. 2013.0179V. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (Commissioner Honda absent) to deny the appeal and uphold the variance on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Sue Hestor, attorney for appellant; Arnie Lerner, agent got appellant; Arran Pera, agent for appellant; Alice Barkley, attorney for permit holder; Bridgett Shank, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:10 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 27, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

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(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the August 20, 2014 minutes.

(4) **APPEAL NO. 14-120**

KOSMAS & STAVROULA SKINAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	15 Allison Street. Protesting the ISSUANCE on June 09, 2014, to Xi Wen Pei, Alteration Permit (two-story horizontal rear addition, and one-story vertical addition setback approximately 16.5' from the front building wall). APPLICATION NO. 2013/01/31/9224S. PUBLIC HEARING HELD ON AUGUST 20, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DBI to conduct a site visit.**

(5) **APPEAL NO. 14-123**

RAOUF NASSER dba "26TH & GUERRERO MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1400 Guerrero Street. Appealing the SUSPENSION on June 11, 2014, of Tobacco Sales Establishment Permit (25-day suspension for selling tobacco products to minors). DIRECTOR'S CASE NO. SMK-1408. FOR HEARING TODAY.

(6) **APPEAL NO. 14-128**

SHORENSTEIN PROPERTIES LLC, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	875 Stevenson Street. Appealing the DENIAL on June 24, 2014, of Alteration Permit (new street address for this existing building; requesting 1 - 10th Street). APPLICATION NO. 2014/07/03/0435. FOR HEARING TODAY.

(7) **APPEAL NO. 14-065**

GOLDEN GATE HEIGHTS NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	203 Quintara Street. Protesting the ISSUANCE on March 19, 2014, to SBC- Pacific Bell Engineering, EXCAVATION PERMIT (install new cabinet; telephone purpose). APPLICATION NO. 14EXC-1497. PUBLIC HEARINGS HELD ON JUNE 04 AND JULY 02, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DPW to conclude its analysis of the new SMF ordinance.**

(8) **APPEAL NO. 14-127**

JOHN MITCHELL, MADELINE COLLINS, GRAHAM CARBERRY & TAMIRA COLLINS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	110 Burrows Street. Protesting the ISSUANCE on June 19, 2014, to SBC-Pacific Bell Engineering, Excavation Permit (install new cabinet). APPLICATION NO. 14EXC-3454. FOR HEARING TODAY.

ITEMS 9A & 9B MAY BE HEARD TOGETHER:

(9A) **APPEAL NO. 14-111**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	326 Craut Street. Appealing the DENIAL on May 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-3134. FOR HEARING TODAY.

(9B) **APPEAL NO. 14-113**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	996 Cayuga Avenue. Appealing the DENIAL on May 28, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-3185. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda. Date posted: **August 22, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
*** VACANCY ***	COMMISSIONER

PROCEDURE AT HEARINGS

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SPECIAL NOTES

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ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

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Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 27, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Arcelia Hurtado, Commissioner Frank Fung and Commissioner Darryl Honda.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Janine Young, Senior Health Inspector, Department of Public Health Environmental Health Section (DPH); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

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PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Lazarus noted that a memo from Mayor Lee had been distributed reminding Board members of the importance of their attendance at Board meetings.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the August 20, 2014 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to adopt the August 20, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 14-120**

KOSMAS & STAVROULA SKINAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	15 Allison Street. Protesting the ISSUANCE on June 09, 2014, to Xi Wen Pei, Alteration Permit (two-story horizontal rear addition, and one-story vertical addition setback approximately 16.5' from the front building wall). APPLICATION NO. 2013/01/31/9224S. PUBLIC HEARING HELD ON AUGUST 20, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DBI to conduct a site visit.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeal and uphold the permit with a finding that the Department of Building Inspection will pursue enforcement of the existing Notice of Violation.

SPEAKERS: Nick Skinas, agent for appellants; Fiona Wen, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 14-123**

RAOUF NASSER dba "26TH & GUERRERO MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1400 Guerrero Street. Appealing the SUSPENSION on June 11, 2014, of Tobacco Sales Establishment Permit (25-day suspension for selling tobacco products to minors). DIRECTOR'S CASE NO. SMK-1408. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0 to deny the appeal and uphold the suspension on the basis that it is reasonable under the circumstances presented.

SPEAKERS: Raouf Nasser, appellant; Janine Young, DPH.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 14-128**

SHORENSTEIN PROPERTIES LLC, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	875 Stevenson Street. Appealing the DENIAL on June 24, 2014, of Alteration Permit (new street address for this existing building; requesting 1 - 10th Street). APPLICATION NO. 2014/07/03/0435. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-1 (President Lazarus dissented) to deny the appeal and uphold the denial of the permit on the basis that the denial was reasonable under Department of Building Inspection Administrative Bulletin No. AB- 035 and Policy G-03 (dated April 11, 2014).

SPEAKERS: Patrick Buscovich, agent for appellant; Jean Rainer, agent for appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 14-065**

GOLDEN GATE HEIGHTS NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	203 Quintara Street. Protesting the ISSUANCE on March 19, 2014, to SBC- Pacific Bell Engineering, EXCAVATION PERMIT (install new cabinet; telephone purpose). APPLICATION NO. 14EXC-1497. PUBLIC HEARINGS HELD ON JUNE 04 AND JULY 02, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DPW to conclude its analysis of the new SMF ordinance.**

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (President Lazarus recused) to grant the appeal and deny the permit on the basis that the permit does not comply with San Francisco Public Works Code Article 27 (Ordinance No. 76-14).

SPEAKERS: Carla Short, DPW; Marina Moreno, agent for appellant; Foster Johnson, attorney for permit holder.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 14-127**

JOHN MITCHELL, MADELINE COLLINS, GRAHAM CARBERRY & TAMIRA COLLINS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	110 Burrows Street. Protesting the ISSUANCE on June 19, 2014, to SBC-Pacific Bell Engineering, Excavation Permit (install new cabinet). APPLICATION NO. 14EXC-3454. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (President Lazarus recused) to grant the appeal and deny the permit on the basis that permit does not comply with San Francisco Public Works Code Article 27 (Ordinance No. 76-14).

SPEAKERS: John Mitchell, appellant; Foster Johnson, attorney for permit holder; Marc Blakeman, agent for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Ruth Wallace and Irene Crescio spoke in support of the appellants.

ITEMS 9A & 9B MAY BE HEARD TOGETHER:

(9A) **APPEAL NO. 14-111**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	326 Craut Street. Appealing the DENIAL on May 23, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-3134. FOR HEARING TODAY.

(9B) **APPEAL NO. 14-113**

AT&T CALIFORNIA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	996 Cayuga Avenue. Appealing the DENIAL on May 28, 2014, of UTILITY EXCAVATION PERMIT (excavation in public right-of-way related to installation of surface mounted facility). APPLICATION NO. 14EXC-3185. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (President Lazarus recused) to deny the appeals and uphold the permit denials on the basis that the permits do not comply with San Francisco Public Works Code Article 27 (Ordinance No. 76-14).

SPEAKERS: Foster Johnson, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: David Hooper spoke in support of the Department.

ADJOURNMENT.

There being no further business, Vice President Hurtado adjourned the meeting at 7:50 p.m.

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PUBLIC NOTICE

Pacheco, Victor (PAB)

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To:Atijera, Evamarie (CPC) <evamarie.atijera@sfgov.org>; Boyajian, Judy (CAT) <judy.boyajian@sfgov.org>; Bryan, Robert (CAT) <robert.bryan@sfgov.org>; Chin, Jack (TIS) <jack.chin@sfgov.org>; Duffy, Joseph (DBI) <joseph.duffy@sfgov.org>; Freeman, Michael (TIS) <michael.freeman@sfgov.org>; Goldstein, Cynthia (PAB) <cynthia.goldstein@sfgov.org>; Goudeau, Matthew (MYR) <matthew.goudeau@sfgov.org>; Grieco, Anthony (DBI) <anthony.grieco@sfgov.org>; Hui, Tom (DBI) <tom.hui@sfgov.org>; Kremenak, Charles (TIS) <charles.kremenak@sfgov.org>; Lau, Agnes (CPC) <agnes.lau@sfgov.org>; Lowrey, Daniel (DBI) <daniel.lowrey@sfgov.org>; O'Riordan, Patrick <patrick.o'riordan@sfgov.org>; Panelli, Steven (DBI) <steven.panelli@sfgov.org>; SF Docs (LIB) <SFDocs@sfpl.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Sider, Dan <dan.sider@sfgov.org>; Sweeney, Edward (DBI) <edward.sweeney@sfgov.org>; Tam, Tina (CPC) <tina.tam@sfgov.org>; Teague, Corey (CPC) <corey.teague@sfgov.org>; Venizelos, Thomas (ADM) <thomas.venizelos@sfgov.org>; Wheaton, Nicole (MYR) <nicole.wheaton@sfgov.org>;

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9/3/14
cancelled

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for September 03, 2014. The next regular meeting is scheduled for **WEDNESDAY, SEPTEMBER 10, 2014**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **August 29, 2014**

Victor F. Pacheco, Legal Assistant
Board of Appeals, Dept. 37
City & County of San Francisco
Tel: 415-575-6880
Fax: 415-575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 10, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the August 27, 2014 minutes.

(4) APPEAL NO. 14-130

WESTWOOD PARK ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	500 and 600 blocks of Miramar Avenue. Appealing the DENIAL on July 02, 2014, of a Tree Removal Permit (denial of request to remove two (2) privately maintained trees in the median). ORDER NO. 182740. FOR HEARING TODAY.

(5) APPEAL NO. 14-133

3634 - 20TH STREET HOMEOWNERS ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3634 - 20th Street. Appealing the DENIAL on July 03, 2014, of a Tree Removal Permit (denial of request to remove two (2) privately maintained street trees without replacement). ORDER NO. 182731. FOR HEARING TODAY.

(6) **APPEAL NO. 14-135**

MATTHEW BRENNAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	501 Missouri Street. Protesting the ISSUANCE on July 01, 2014, to SBC - Pacific Bell Engineering, of a UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-3764. FOR HEARING TODAY.

(7) **APPEAL NO. 14-132**

JOHN & TERESA VOTRUBA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	280-284 Union Street. Protesting the ISSUANCE on June 25, 2014, to Clinton Choy, of an Alteration Permit (replace existing roof decking and handrails; scope of work also includes to comply with complaint NOV No. 201049586). APPLICATION NO. 2011/11/17/9101. FOR HEARING TODAY.

(8) **APPEAL NO. 14-134**

JOSEPH FOSTER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	132 Corbett Avenue. Protesting the GRANTING on July 10, 2014, to Jane Miu, of a Variance (construct a second dwelling within the required rear yard of the subject property). VARIANCE CASE NO. 2014.0016V. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **September 05, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
*** VACANCY ***	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 10, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Arcelia Hurtado, Commissioner Frank Fung and Commissioner Darryl Honda.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Patrick O'Reardon, Chief Building Inspector, DBI; Lynn Fong, Permit Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Chris Buck, Urban Forestry Investigator DPW Bureau of Urban Forestry; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

10-20-14A11:30 RCVD

(1) PUBLIC COMMENT

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PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Lazarus announced she will be absent from the September 17, 2014 meeting.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the August 27, 2014 minutes.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0 to adopt the August 27, 2014 minutes.

SPEAKERS: None

PUBLIC COMMENT: None.

(4) **APPEAL NO. 14-130**

WESTWOOD PARK ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	500 and 600 blocks of Miramar Avenue. Appealing the DENIAL on July 02, 2014, of a Tree Removal Permit (denial of request to remove two (2) privately maintained trees in the median). ORDER NO. 182740. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the appeal, overturn the Department and issue the permit on the condition that the two trees be replace with 24" box trees, with the species to be determined by the Department of Public Works in consultation with the appellant, and on the basis that the trees have reached the end of their normal life spans.

SPEAKERS: Anita Theoharis, agent for appellant; Carol Ito, agent for appellant; Nicholas Crawford, agent for appellant; Chris Buck, DPW.

PUBLIC COMMENT: Miles Liu, Donna Chew and John Goepel spoke in support of appellant.

(5) **APPEAL NO. 14-133**

3634 - 20TH STREET HOMEOWNERS ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3634 - 20th Street. Appealing the DENIAL on July 03, 2014, of a Tree Removal Permit (denial of request to remove two (2) privately maintained street trees without replacement). ORDER NO. 182731. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1 (Commissioner Honda dissented) to grant the appeal, overturn the Department and issue the permit on the basis that the palms and container boxes are fixtures and not planted trees. No tree replacement to be required.

SPEAKERS: Greg Gadwood, agent for appellant; Chris Buck, DPW.

PUBLIC COMMENT: Robert Bailey and Robert Mintz spoke in support of the Department. Rebecca Burgess and Michael Fowler spoke in support of the appellant.

(6) **APPEAL NO. 14-135**

MATTHEW BRENNAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	501 Missouri Street. Protesting the ISSUANCE on July 01, 2014, to SBC - Pacific Bell Engineering, of a UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-3764. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (President Lazarus recused) to grant the appeal and deny the permit on the basis that the permit does not comply with San Francisco Public Works Code Article 27 (Ordinance No. 76-14).

SPEAKERS: Matthew Brennan, appellant; Foster Johnson, attorney for permit holder; Lynn Fong, DPW.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 14-132**

JOHN & TERESA VOTRUBA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	280-284 Union Street. Protesting the ISSUANCE on June 25, 2014, to Clinton Choy, of an Alteration Permit (replace existing roof decking and handrails; scope of work also includes to comply with complaint NOV No. 201049586). APPLICATION NO. 2011/11/17/9101. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it was properly issued and thoroughly vetted by all relevant City departments.

SPEAKERS: Teresa Votruba, appellant; John Votruba, appellant; Melinda Sajapur, attorney for permit holder; Joseph Duffy, DBI; Patrick O'Reardon, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 14-134**

JOSEPH FOSTER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	132 Corbett Avenue. Protesting the GRANTING on July 10, 2014, to Jane Miu, of a Variance (construct a second dwelling within the required rear yard of the subject property). VARIANCE CASE NO. 2014.0016V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeal and uphold the Variance on the basis that the criteria set out in the Zoning Administrator's findings were appropriate for this site and therefore the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Joseph Foster, appellant; Jeff Burris, agent for variance holder; Scott Sanchez, ZA; Jane Miu, variance holder.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:20 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 17, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the September 10, 2014 minutes.

(4) **APPEAL NO. 14-116**

YONG HEON AHN dba "WESTERN SUNSET MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4099 Judah Street. Appealing the SUSPENSION on June 11, 2014, of a Tobacco Sales Establishment Permit (15-day suspension for selling tobacco products to minors). DIRECTOR'S CASE NO. SMK-1410. FOR HEARING TODAY.

(5) **APPEAL NO. 14-136**

MICHAEL KLESTOFF, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1812 Noriega Street. Appealing the DENIAL on July 09, 2014, of a Tree Removal Permit (denial of request to remove and replace one (1) privately maintained street tree). ORDER NO. 182750. FOR HEARING TODAY.

(6) **JURISDICTION REQUEST**

Subject property at 301 – 26th Avenue. Letter from George Choppelas, requestor, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-2144, which was issued by the Dept. of Public Works on April 14, 2014. The appeal period ended on April 29, 2014, and this jurisdiction request was filed at the Board office on June 12, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet. **Note: public hearing held June 25, 2014; matter continued to allow Vice President Hurtado to participate in the final vote.**

(7) **APPEAL NO. 14-079**

GEORGE CHOPPELAS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	301 - 26th Avenue. Protesting the ISSUANCE on May 02, 2014, to SBC-Pacific Bell Engineering, of a UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2144. FOR HEARING TODAY.

(8) **APPEAL NO. 14-117**

VIOLA YEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	699 Page Street. Protesting the ISSUANCE on June 09, 2014, to SBC - Pacific Bell Engineering, of a UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-3360. FOR HEARING TODAY.

(9) **REHEARING REQUEST:**

Subject property at 70 Crestline Drive. Letter from Kenda McIntosh, attorney for Shamus Naughten / Dolmen Property Group LLC, permit holder, requesting rehearing of Appeal No. 13-062, T.P.E.N.A vs. DBI, PDA, decided July 17, 2013. At that time, the Board voted 4-1 (Commissioner Fung dissented) to grant the appeal and overturn the permit on the following basis: (1) the project does create exceptional and extraordinary circumstances because it will not preserve and protect the character and stability of the Vista Francisco Development and it will not be an orderly and beneficial in-fill project in the Vista Francisco Development; (2) the project, if approved, will result in an inappropriate precedent or expectation for a similar in-fill project elsewhere in the Vista Francisco Development; and (3) the Board's authority pursuant to Article 1, Section 26 of the San Francisco Business and Tax Regulations Code to consider the project's effect on surrounding properties and residents. Appellant: Twin Peaks Eastside Neighborhood Alliance. Project: Permit to Erect a Building (4-story, 4-unit residential building with 1,420sf of ground floor area; BPA No. 2009/08/25/5545S. **Note: On Aug. 14, 2013, the Board held a public hearing on this rehearing request, and voted 5-0 to continue the matter to Call of Chair to await the outcome of the subdivision issue at DPW with possible appeal to the Board of Supervisors. Then, on Nov. 20, 2013, the Board voted to return the matter to Call of Chair pending further review of the subdivision issue by DPW and the Planning Dept.; additional briefing is allowed.**

(10) **JURISDICTION REQUEST**

Subject property at 157 Randall Street. Letter from John Clifford & Charlene Attard, requestors, asking that the Board take jurisdiction over BPA No. 2013/06/25/0447, which was issued by the Department of Building Inspection on April 25, 2014. The appeal period ended on May 12, 2014, and this jurisdiction request was filed at the Board office on August 26, 2014. Project: 28sf horizontal addition to 3rd floor; raise roof 8'10"; interior remodel of kitchen and miscellaneous improvements; construct deck on top of garage at 2nd floor; 3rd floor rear deck. Permit Holders: Maneesh Jain & Nadia Ramsaroop.

(11) **APPEAL NO. 05-002**

GARY RAUGH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2220-2222 Sacramento Street. Appealing the DENIAL on January 4, 2005, of an Alteration Permit (application associated with Variance Case No. 2004.0061V to reflect as-built conditions of garage door; to resolve NOV No. 200341797). APPLICATION NO. 2004/10/18/7116S. FOR HEARING TODAY. **Note: On June 8, 2005, the Board voted 4-1 (Commissioner Sugaya dissented) to reschedule this matter to Call of Chair so that the Certificate of Appropriateness process can take place at the LPAB and Planning Commission.**

ITEMS (12A), (12B) & (12C) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 14-098**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1020 Filbert Street. Protesting the ISSUANCE on March 20, 2014, to Xelan Prop 1 LLC, of an Alteration Permit (remove illegal unit and convert back to legal use as single family home; connect both floors with new stair case interior). APPLICATION NO. 2014/03/20/1296. FOR HEARING TODAY.

(12B) **APPEAL NO. 14-101**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 08, 2014, to Xelan Prop 1 LLC, of an Alteration Permit (three kitchen and four bathroom remodel; units 1008, 1002, 1006 and 1000; no structural work). APPLICATION NO. 2014/05/07/5172. FOR HEARING TODAY.

(12C) **APPEAL NO. 14-104**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 19, 2014, to Xelan Prop 1 LLC, of a Plumbing Permit (install forced air furnace). APPLICATION NO. PM2014/05/19/847. FOR HEARING TODAY.

(13) **APPEAL NO. 14-118**

DON TOY & ANDY CREAGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1957-1959 Beach Street. Appealing the ISSUANCE on June 17, 2014, of a Letter of Determination (regarding whether a deck deeded for exclusive use by one unit can be enclosed and converted into habitable space to be divided equally between two units). FOR HEARING TODAY.

(14) **APPEAL NO. 14-126**

CAROLE BROWN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	179 Hamerton Avenue. Protesting the ISSUANCE on June 26, 2014, to Scott Dylewski, of an Alteration Permit (new deck at rear of main level of existing house with exterior stair to the rear yard; new doors at the rear main level; replace windows "in-kind"; new lower living level; alter lower level to remodel existing bedroom and incorporate new hallway). APPLICATION NO. 2014/06/04/7453. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Sept. 12, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
*** VACANCY ***	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 17, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Arcelia Hurtado, Commissioner Frank Fung and Commissioner Darryl Honda.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator; Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Janine Young, Senior Health Inspector, Department of Public Health Environmental Health Section (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Ann Lazarus.

10-20-14A11:30 RCVD

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: Maneesh Jain spoke about a Jurisdiction Request filed by his neighbor seeking the Board's permission to file a late appeal on an alteration permit at 157 Randall Street. Mr. Jain explained that this Request had been on the Board's calendar for this meeting (Item #10) but was withdrawn the day before the hearing, with the requestors stating they intend to refile the request in order to obtain a later hearing date. Mr. Jain stated that his neighbors were given notice of the project at several points in the permitting process and that they did not object to the project until a lot-line encroachment dispute arose along with disagreement over how to weatherproof the two adjoining properties. Mr. Jain stated his belief that this dispute is better resolved through neighbor-to-neighbor negotiations and not through the Board's jurisdiction request process.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Commissioner Fung announced he will be absent from the October 29, 2014 meeting.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the September 10, 2014 minutes.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (President Lazarus absent) to adopt the September 10, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 14-116**

YONG HEON AHN dba "WESTERN SUNSET MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4099 Judah Street. Appealing the SUSPENSION on June 11, 2014, of a Tobacco Sales Establishment Permit (15-day suspension for selling tobacco products to minors). DIRECTOR'S CASE NO. SMK-1410. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (President Lazarus absent) to uphold the 15 day suspension on the basis that the facts do not support the appellant's claim that the identification card was switched, and on a further basis that a mistake was made by the appellant to sell cigarettes to a minor.

SPEAKERS: Yong Heon Ahn, appellant, via interpreter (Korean); Janine Young, DPH.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 14-136**

MICHAEL KLESTOFF, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1812 Noriega Street. Appealing the DENIAL on July 09, 2014, of a Tree Removal Permit (denial of request to remove and replace one (1) privately maintained street tree). ORDER NO. 182750. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (President Lazarus absent) to uphold the denial on the basis that the subject tree is healthy.

SPEAKERS: Michael Klestoff, appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(6) **JURISDICTION REQUEST**

Subject property at 301 – 26th Avenue. Letter from George Choppelas, requestor, asking that the Board take jurisdiction over Utility Excavation Permit No. 14EXC-2144, which was issued by the Dept. of Public Works on April 14, 2014. The appeal period ended on April 29, 2014, and this jurisdiction request was filed at the Board office on June 12, 2014. Permit Holder: SBC - Pacific Bell Engineering. Project: install new cabinet. **Note: public hearing held June 25, 2014; matter continued to allow Vice President Hurtado to participate in the final vote.**

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (President Lazarus absent) to grant the jurisdiction request on the basis that there were inadvertent errors made by the Department.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 14-079**

GEORGE CHOPPELAS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	301 - 26th Avenue. Protesting the ISSUANCE on May 02, 2014, to SBC-Pacific Bell Engineering, of a UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2144. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (President Lazarus absent) to reschedule the matter to November 5, 2014.

SPEAKERS: Steven MacDonald, attorney for appellant; Foster Johnson, attorney for permit holder.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 14-117**

VIOLA YEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	699 Page Street. Protesting the ISSUANCE on June 09, 2014, to SBC - Pacific Bell Engineering, of a UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-3360. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (President Lazarus absent) to grant the appeal and deny the permit on the basis that the permit does not comply with San Francisco Public Works Code Article 27 (Ordinance No. 76-14).

SPEAKERS: Viola Yee, appellant; Pamela Tom, agent for appellant; Teddy Vriheas, agent for permit holder; Foster Johnson, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Urbano Ezquiero spoke in support of appellant.

(9) **REHEARING REQUEST:**

Subject property at 70 Crestline Drive. Letter from Kenda McIntosh, attorney for Shamus Naughten / Dolmen Property Group LLC, permit holder, requesting rehearing of Appeal No. 13-062, T.P.E.N.A vs. DBI, PDA, decided July 17, 2013. At that time, the Board voted 4-1 (Commissioner Fung dissented) to grant the appeal and overturn the permit on the following basis: (1) the project does create exceptional and extraordinary circumstances because it will not preserve and protect the character and stability of the Vista Francisco Development and it will not be an orderly and beneficial in-fill project in the Vista Francisco Development; (2) the project, if approved, will result in an inappropriate precedent or expectation for a similar in-fill project elsewhere in the Vista Francisco Development; and (3) the Board's authority pursuant to Article 1, Section 26 of the San Francisco Business and Tax Regulations Code to consider the project's effect on surrounding properties and residents. Appellant: Twin Peaks Eastside Neighborhood Alliance. Project: Permit to Erect a Building (4-story, 4-unit residential building with 1,420sf of ground floor area; BPA No. 2009/08/25/5545S. **Note: On Aug. 14, 2013, the Board held a public hearing on this rehearing request, and voted 5-0 to continue the matter to Call of Chair to await the outcome of the subdivision issue at DPW with possible appeal to the Board of Supervisors. Then, on Nov. 20, 2013, the Board voted to return the matter to Call of Chair pending further review of the subdivision issue by DPW and the Planning Dept.; additional briefing is allowed.**

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (President Lazarus absent) to deny the rehearing request.

SPEAKERS: Leonardo Zylberberg, agent for permit holder; Donald Bateman, agent for appellant Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(10) **JURISDICTION REQUEST**

Subject property at 157 Randall Street. Letter from John Clifford & Charlene Attard, requestors, asking that the Board take jurisdiction over BPA No. 2013/06/25/0447, which was issued by the Department of Building Inspection on April 25, 2014. The appeal period ended on May 12, 2014, and this jurisdiction request was filed at the Board office on August 26, 2014. Project: 28sf horizontal addition to 3rd floor; raise roof 8'10"; interior remodel of kitchen and miscellaneous improvements; construct deck on top of garage at 2nd floor; 3rd floor rear deck. Permit Holders: Maneesh Jain & Nadia Ramsaroop.

ACTION: This matter was withdrawn by the requestors prior to hearing.

SPEAKERS: None.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 05-002**

GARY RAUGH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2220-2222 Sacramento Street. Appealing the DENIAL on January 4, 2005, of an Alteration Permit (application associated with Variance Case No. 2004.0061V to reflect as-built conditions of garage door; to resolve NOV No. 200341797). APPLICATION NO. 2004/10/18/7116S. FOR HEARING TODAY. **Note: On June 8, 2005, the Board voted 4-1 (Commissioner Sugaya dissented) to reschedule this matter to Call of Chair so that the Certificate of Appropriateness process can take place at the LPAB and Planning Commission.**

ACTION: Upon motion by Commissioner Honda, the Board voted 3-0-1 (President Lazarus absent) to deny the appeal and uphold the denial of the permit on the basis that the appellant was in violation of City directives.

SPEAKERS: Scott Sanchez, ZA; Joseph Duffy, DBI; appellant did not appear; permit holder did not appear.

PUBLIC COMMENT: None.

ITEMS (12A), (12B) & (12C) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 14-098**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1020 Filbert Street. Protesting the ISSUANCE on March 20, 2014, to Xelan Prop 1 LLC, of an Alteration Permit (remove illegal unit and convert back to legal use as single family home; connect both floors with new stair case interior). APPLICATION NO. 2014/03/20/1296. FOR HEARING TODAY.

(12B) **APPEAL NO. 14-101**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 08, 2014, to Xelan Prop 1 LLC, of an Alteration Permit (three kitchen and four bathroom remodel; units 1008, 1002, 1006 and 1000; no structural work). APPLICATION NO. 2014/05/07/5172. FOR HEARING TODAY.

(12C) **APPEAL NO. 14-104**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 19, 2014, to Xelan Prop 1 LLC, of a Plumbing Permit (install forced air furnace). APPLICATION NO. PM2014/05/19/847. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (President Lazarus absent) to reschedule all three matters to November 5, 2014 at the request of the parties.

SPEAKERS: Nancy Conway, attorney for appellant; Julie Nong, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(13) **APPEAL NO. 14-118**

DON TOY & ANDY CREAGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1957-1959 Beach Street. Appealing the ISSUANCE on June 17, 2014, of a Letter of Determination (regarding whether a deck deeded for exclusive use by one unit can be enclosed and converted into habitable space to be divided equally between two units). FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (President Lazarus absent) to deny the appeal and uphold the Letter of Determination on the basis that there is no evidence that the Zoning Administrator erred or abused his discretion.

SPEAKERS: Appellants did not appear.

PUBLIC COMMENT: None.

(14) **APPEAL NO. 14-126**

CAROLE BROWN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	179 Hamerton Avenue. Protesting the ISSUANCE on June 26, 2014, to Scott Dylewski, of an Alteration Permit (new deck at rear of main level of existing house with exterior stair to the rear yard; new doors at the rear main level; replace windows "in-kind"; new lower living level; alter lower level to remodel existing bedroom and incorporate new hallway). APPLICATION NO. 2014/06/04/7453. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Hurtado, the Board voted 3-0-1 (President Lazarus absent) to continue this matter to October 15, 2014 to allow the permit holder to submit revised plans and a written statement from the southern adjacent property owner agreeing to the construction of a required firewall.

SPEAKERS: Carole Brown, appellant; Julie Ask, agent for appellant; James Kaenje, agent for appellant; Scott Dylewski, permit holder; Shannon Leonard, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, Vice President Hurtado adjourned the meeting at 8:25 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for September 24, 2014 or October 01, 2014. The next regular meeting is scheduled for **WEDNESDAY, OCTOBER 08, 2014**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Sept. 17, 2014**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 08, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the September 17, 2014 minutes.

(4) **APPEAL NO. 14-071**

VIVIAN LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3688 Cesar Chavez Street. Protesting the ISSUANCE on April 15, 2014, to SBC-Pacific Bell Engineering, of a UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2149. PUBLIC HEARINGS HELD ON JUNE 11, AND JUNE 25, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the Department to meet with the permit holder to develop an exhibit that clearly depicts the lack of any viable alternative sites for this Surface Mounted Facility.**

(5) **APPEAL NO. 14-122**

MONESH JOSAN dba "7-ELEVEN", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	43 Drumm Street. Appealing the SUSPENSION on June 11, 2014, of a Tobacco Sales Establishment Permit (25-day suspension for selling tobacco products to minors). DIRECTOR'S CASE NO. SMK-1407. FOR HEARING TODAY.

(6) **APPEAL NO. 14-141**

MICHIKO YAMADA, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1963 Sutter Street. Protesting the ISSUANCE on July 23, 2014, to Roostertail Restaurant, of a Noise Variance (regarding rooftop fan noise from mechanical exhaust system/equipment). FOR HEARING TODAY.

(7) **REHEARING REQUEST**

Subject property at 875 Stevenson Street. Letter from Patrick Buscovich, agent for Shorenstein Properties LLC, appellant, requesting rehearing of Appeal No. 14-128, Shorenstein Properties LLC vs. DBI, decided August 27, 2014. At that time, upon motion by Vice President Hurtado, the Board voted 3-1-1 (President Lazarus dissented, one vacancy) to uphold the denial of the subject permit on the basis that the denial was reasonable under DBI Administrative Bulletin No. AB-035 and DBI Policy No. G-03 (dated April 11, 2014). Project: new street address for this existing building; requesting 1 - 10th Street.

(8) **JURISDICTION REQUEST**

Subject property at 843 Capp Street. Letter from Jaime Carrillo requestor, asking that the Board take jurisdiction over BPA No. 2014/07/16/1400, which was issued on August 15, 2014 by the Dept. of Building Inspection. The appeal period ended on Sept. 02, 2014, and the jurisdiction request was filed at the Board office on Sept. 12, 2014. Permit Holder: Timothy Gillihan. Project: revert this property back to last legal use as a single-family dwelling; remove illegal kitchen on 2nd floor; remove dividing wall at 1st floor hallway; relocate entry doors; legal use and occupancy has been determined by a review of City records

(9) **REHEARING REQUEST**

Subject property at 280-284 Union Street. Letter from John & Teresa Votruba, appellants, requesting rehearing of Appeal No. 14-132, Votruba vs. DBI, PDA, decided Sept. 10, 2014. At that time, upon motion by Vice President Hurtado, the Board voted 4-0-1 (one vacancy) to uphold the permit on the basis that it was properly issued and thoroughly vetted by all relevant City departments. Permit Holder: Clinton Choy. Project: replace existing roof decking and handrails; scope of work also includes to comply with complaint NOV No. 201049586; BPA No. 2011/11/17/9101.

(10) **APPEAL NO. 14-105**

MICHAEL KLOTSMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2047 Polk Street. Protesting the ISSUANCE on May 30, 2014, to Gary Yeung, of a Plumbing Permit (remove stove and cap off gas pipe). APPLICATION NO. PP2014/05/30/128. PUBLIC HEARING HELD ON JULY 23, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the DBI to conclude its analysis of the dwelling unit's status; no additional briefing is allowed.**

(11) **APPEAL NO. 14-139**

HEATHER KLEIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1551-1555 Treat Avenue. Appealing the DENIAL on July 11, 2014, of an Alteration Permit (legalize window replacement completed without permit; 9 of 12 windows on front facade; none of the replacement windows are bedroom windows; no additional work is being done). APPLICATION NO. 2014/03/21/1365. FOR HEARING TODAY.

ITEMS (12A) AND (12B) SHALL BE HEARD TOGETHER;

(12A) **APPEAL NO. 14-143**

MICHELLE MEYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1110 Ashbury Street. Protesting the ISSUANCE on July 25, 2014, to Ty Bash & Molly Mrowka, of an Alteration Permit (new horizontal addition at front; new vertical addition with roof deck; three new bathrooms, vanity, and remodel kitchen). APPLICATION NO. 2013/04/05/3911"S". FOR HEARING TODAY.

(12B) **APPEAL NO. 14-144**

SUCHI PANDEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1110 Ashbury Street. Protesting the ISSUANCE on July 25, 2014, to Ty Bash & Molly Mrowka, of an Alteration Permit (new horizontal addition at front; new vertical addition with roof deck; three new bathrooms, vanity, and remodel kitchen). APPLICATION NO. 2013/04/05/3911"S". FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 03, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions,

boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 8, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator; Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Aleeta Van Runkle, Deputy City Attorney for the Department of Public Health (DPH-OCA); Sherri Kaiser, Deputy City Attorney (DPH-OCA); Richard Lee, Acting Director, Environmental Health Branch DPH; Janine Young, Senior Health Inspector, DPH; Jonathan Piakis, Noise Control Officer, DPH; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Arcelia Hurtado.

10-20-14A11:30 RCVD

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: President Lazarus welcomed Commissioner Wilson to the Board and provided some background information on her. Commissioners Honda and Fung also welcomed Commissioner Wilson.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the September 17, 2014 minutes.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Vice President Hurtado absent) to adopt the September 17, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 14-071**

VIVIAN LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3688 Cesar Chavez Street. Protesting the ISSUANCE on April 15, 2014, to SBC-Pacific Bell Engineering, of a UTILITY EXCAVATION PERMIT (install new cabinet). APPLICATION NO. 14EXC-2149. PUBLIC HEARINGS HELD ON JUNE 11, AND JUNE 25, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the Department to meet with the permit holder to develop an exhibit that clearly depicts the lack of any viable alternative sites for this Surface Mounted Facility.**

ACTION: This matter was administratively dismissed prior to hearing because the subject permit application was withdrawn.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 14-122**

MONESH JOSAN dba "7-ELEVEN", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	43 Drumm Street. Appealing the SUSPENSION on June 11, 2014, of a Tobacco Sales Establishment Permit (25-day suspension for selling tobacco products to minors). DIRECTOR'S CASE NO. SMK-1407. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to grant the appeal and reduce the suspension to 15 days on the basis that it is the appellant's first offense.

SPEAKERS: Julia Jayne, attorney for appellant; Monesh Josan, appellant; Aleeta Van Runkle, DPH-OCA.

PUBLIC COMMENT: Mohammed Zughaiyir spoke in support of the appellant.

(6) **APPEAL NO. 14-141**

MICHIKO YAMADA, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1963 Sutter Street. Protesting the ISSUANCE on July 23, 2014, to Roostertail Restaurant, of a Noise Variance (regarding rooftop fan noise from mechanical exhaust system/equipment). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to continue the appeal to November 19, 2014, to give the parties time to discuss settlement.

SPEAKERS: Michiko Yamada, appellant; Bruce Bonacker, agent for appellant; Eric Yee, agent for appellant; Gerard Darien, permit holder; Sherri Kaiser, DPH-OCA; Jonathan Piakis, DPH; Richard Lee, DPH; Joseph Duffy, DBI.

PUBLIC COMMENT: Paul Wermer, Robert Rusky, Kevin Chin and Karen Kai spoke in support of the appellant.

(7) **REHEARING REQUEST**

Subject property at 875 Stevenson Street. Letter from Patrick Buscovich, agent for Shorenstein Properties LLC, appellant, requesting rehearing of Appeal No. 14-128, Shorenstein Properties LLC vs. DBI, decided August 27, 2014. At that time, upon motion by Vice President Hurtado, the Board voted 3-1-1 (President Lazarus dissented, one vacancy) to uphold the denial of the subject permit on the basis that the denial was reasonable under DBI Administrative Bulletin No. AB-035 and DBI Policy No. G-03 (dated April 11, 2014). Project: new street address for this existing building; requesting 1 - 10th Street.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Vice President Hurtado absent) to reschedule this matter to December 17, 2014.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **JURISDICTION REQUEST**

Subject property at 843 Capp Street. Letter from Jaime Carrillo requestor, asking that the Board take jurisdiction over BPA No. 2014/07/16/1400, which was issued on August 15, 2014 by the Dept. of Building Inspection. The appeal period ended on Sept. 02, 2014, and the jurisdiction request was filed at the Board office on Sept. 12, 2014. Permit Holder: Timothy Gillihan. Project: revert this property back to last legal use as a single-family dwelling; remove illegal kitchen on 2nd floor; remove dividing wall at 1st floor hallway; relocate entry doors; legal use and occupancy has been determined by a review of City records

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to deny the request.

SPEAKERS: Courtney Brown, agent for requestor; Jaime Carrillo, requestor; Timothy Gillihan, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Mary Gallagher encouraged the Board to consider City laws addressing the removal of illegal units and that these laws are in flux. Andres Cosaro spoke in support of the appellant.

(9) **REHEARING REQUEST**

Subject property at 280-284 Union Street. Letter from John & Teresa Votruba, appellants, requesting rehearing of Appeal No. 14-132, Votruba vs. DBI, PDA, decided Sept. 10, 2014. At that time, upon motion by Vice President Hurtado, the Board voted 4-0-1 (one vacancy) to uphold the permit on the basis that it was properly issued and thoroughly vetted by all relevant City departments. Permit Holder: Clinton Choy. Project: replace existing roof decking and handrails; scope of work also includes to comply with complaint NOV No. 201049586; BPA No. 2011/11/17/9101.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Vice President Hurtado absent) to deny the request.

SPEAKERS: John Votruba, requestor; Clinton Choy, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 14-105**

MICHAEL KLOTSMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2047 Polk Street. Protesting the ISSUANCE on May 30, 2014, to Gary Yeung, of a Plumbing Permit (remove stove and cap off gas pipe). APPLICATION NO. PP2014/05/30/128. PUBLIC HEARING HELD ON JULY 23, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the DBI to conclude its analysis of the dwelling unit's status; no additional briefing is allowed.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to grant the appeal and issue the permit on the condition that the suspension remain until a building permit is finally issued to remove the illegal unit and revert the unit to the last legal use.

SPEAKERS: Dave Crow, attorney for appellant; Stanley Riddell, attorney for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 14-139**

HEATHER KLEIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1551-1555 Treat Avenue. Appealing the DENIAL on July 11, 2014, of an Alteration Permit (legalize window replacement completed without permit; 9 of 12 windows on front facade; none of the replacement windows are bedroom windows; no additional work is being done). APPLICATION NO. 2014/03/21/1365. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to grant the appeal and issue the permit on the basis that the vinyl windows are similar in appearance to the original wood windows.

SPEAKERS: Heather Klein, appellant; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (12A) AND (12B) SHALL BE HEARD TOGETHER;

(12A) **APPEAL NO. 14-143**

MICHELLE MEYER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1110 Ashbury Street. Protesting the ISSUANCE on July 25, 2014, to Ty Bash & Molly Mrowka, of an Alteration Permit (new horizontal addition at front; new vertical addition with roof deck; three new bathrooms, vanity, and remodel kitchen). APPLICATION NO. 2013/04/05/3911"S". FOR HEARING TODAY.

(12B) **APPEAL NO. 14-144**

SUCHI PANDEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1110 Ashbury Street. Protesting the ISSUANCE on July 25, 2014, to Ty Bash & Molly Mrowka, of an Alteration Permit (new horizontal addition at front; new vertical addition with roof deck; three new bathrooms, vanity, and remodel kitchen). APPLICATION NO. 2013/04/05/3911"S". FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 2-2-1 (Commissioner Honda and Commissioner Wilson dissented; Vice President Hurtado absent) to deny the appeal on the basis that the permit is Code compliant. Lacking the four votes required to pass, the motion failed. With no further motion made, the permit was upheld by operation of law.

SPEAKERS: Mary Gallagher, agent for appellants; Ty Bash, permit holder; Melinda Sarjapur, attorney for permit holders; Scott Sanchez, ZA.

PUBLIC COMMENT: W. Fourie, Adden Chystie, Dave Rion and Roman Rojas spoke in support of the appellants. Howard Epstein, Chris Durkin, Kirk Scott and Gleb Budman spoke in support of the permit holders.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 10:25 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 15, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

10-23-14A08:09 RCVD

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the October 08, 2014 minutes.

(4) APPEAL NO. 14-126

CAROLE BROWN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	179 Hamerton Avenue. Protesting the ISSUANCE on June 26, 2014, to Scott Dylewski, of an Alteration Permit (new deck at rear of main level of existing house with exterior stair to the rear yard; new doors at the rear main level; replace windows "in-kind"; new lower living level; alter lower level to remodel existing bedroom and incorporate new hallway). APPLICATION NO. 2014/06/04/7453. PUBLIC HEARING HELD ON SEPT. 17, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the permit holder to submit revised plans and a written consent from the southern adjacent neighbor regarding the firewall issue.**

(5) **APPEAL NO. 14-093**

ACADEMY OF ART UNIVERSITY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2295 Taylor Street aka 701 Chestnut Street. Appealing the ISSUANCE on April 25, 2014, of a Notice of Violation & Penalty (alleging violations of the Planning Code regarding establishment of unauthorized non-residential use in excess of 4,00sf in the North Beach Neighborhood Commercial District). FOR HEARING TODAY.

(6) **SPECIAL ITEM**

Discussion and possible adoption of the departmental annual report for fiscal year 2013-2014.

(7) **CLOSED SESSION**

A. Open Session: Vote on whether to hold closed session.

An Executive Session has been calendared to discuss the following:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Executive Director and Executive Secretary; Name: Cynthia Goldstein

This closed session is pursuant to California Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b)

B. Reconvene in Open Session
(i) Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.
(ii) Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda. Date posted: **October 10, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

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official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 15, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Arcelia Hurtado.

1/15/14

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: Commissioner Fung noted a minor correction needed on the caption for agenda item #5 to reflect the correct square footage as 4,000.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the October 8, 2014 minutes.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Vice President Hurtado absent) to adopt the October 8, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 14-126**

CAROLE BROWN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	179 Hamerton Avenue. Protesting the ISSUANCE on June 26, 2014, to Scott Dylewski, of an Alteration Permit (new deck at rear of main level of existing house with exterior stair to the rear yard; new doors at the rear main level; replace windows "in-kind"; new lower living level; alter lower level to remodel existing bedroom and incorporate new hallway). APPLICATION NO. 2014/06/04/7453. PUBLIC HEARING HELD ON SEPT. 17, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the permit holder to submit revised plans and a written consent from the southern adjacent neighbor regarding the firewall issue.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Hurtado absent) to grant the appeal and issue the permit on the condition that it be modified as reflected in the revised plans dated October 9, 2014 and so that the section detail on the plans clearly shows the firewalls 42" above the deck; and with a finding that the notice requirement has been met.

SPEAKERS: Appellant did not appear; Shannon Leonard, permit holder; Scott Dylewski, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 14-093**

ACADEMY OF ART UNIVERSITY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2295 Taylor Street aka 701 Chestnut Street. Appealing the ISSUANCE on April 25, 2014, of a Notice of Violation & Penalty (alleging violations of the Planning Code regarding establishment of unauthorized non-residential use in excess of 4,000sf in the North Beach Neighborhood Commercial District). FOR HEARING TODAY.

ACTION: This matter was withdrawn after the parties addressed the Board.

SPEAKERS: Alan Murphy, attorney for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(6) **SPECIAL ITEM**

Discussion and possible adoption of the departmental annual report for fiscal year 2013-2014.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0-1 (Vice President Hurtado absent) to adopt the Board of Appeals annual report for fiscal year 2013-2014.

SPEAKERS: Director Goldstein provided the Board with an overview of the report.

PUBLIC COMMENT: None.

(7) **CLOSED SESSION**

A. Open Session: Vote on whether to hold closed session.

An Executive Session has been calendared to discuss the following:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Executive Director and Executive Secretary; Name: Cynthia Goldstein

This closed session is pursuant to California Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b)

B. Reconvene in Open Session
(i) Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.
(ii) Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Vice President Hurtado absent) to go into closed session. After the closed session, upon motion by Commissioner Fung the Board voted 4-0-1 (Vice President Hurtado absent) to not disclose the content of the closed session.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 6:00 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for October 22, 2014. The next regular meeting is scheduled for **WEDNESDAY, OCTOBER 29, 2014**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Oct. 17, 2014**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 29, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

29/14

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the October 15, 2014 minutes.

(4) **JURISDICTION REQUEST**

Subject property at 157 Randall Street. Letter from John Clifford & Charlene Attard, requestors, asking that the Board take jurisdiction over BPA No. 2013/06/25/0447, which was issued by the Department of Building Inspection on April 25, 2014. The appeal period ended on May 12, 2014, and this jurisdiction request was filed at the Board office on Sept. 22, 2014. Project: 28sf horizontal addition to 3rd floor; raise roof 8'10"; interior remodel of kitchen and miscellaneous improvements; construct deck on top of garage at 2nd floor; 3rd floor rear deck. Permit Holders: Maneesh Jain & Nadia Ramsaroop.

ITEMS (5A), (5B) & (5C) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 06-132**

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway. Protesting the ISSUANCE on August 7, 2006, to Charles Mosser, of a Permit to Remove One (1) Tree. ORDER NO. 176, 056. FOR HEARING TODAY. **Note: On March 7, 2007, the Board voted 5-0 to continue the matter to Call of Chair pending final resolution of negotiations between all parties.**

(5B) **APPEAL NO. 06-133**

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway, and 1061 Broadway #1,2, and 3. Protesting the ISSUANCE on August 7, 2006, to Charles Mosser, Aaron Buchanan & Pat Milazzo, Joel Camarda, and Jose Gatchalian, of a Permit to Remove One (1) Tree. ORDER NO. 176, 057. FOR HEARING TODAY. **Note: On March 7, 2007, the Board voted 5-0 to continue the matter to Call of Chair pending final resolution of negotiations between all parties.**

(5C) **APPEAL NO. 06-134**

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1041 Broadway. Protesting the ISSUANCE on August 7, 2006, to Charles Mosser, of a Permit to Remove Two (2) Trees. ORDER NO. 176, 055. FOR HEARING TODAY. **Note: On March 7, 2007, the Board voted 5-0 to continue the matter to Call of Chair pending final resolution of negotiations between all parties.**

(6) **APPEAL NO. 14-146**

GEORGE & MYRTA MATULA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1410 Stanyan Street. Protesting the ISSUANCE on August 07, 2014, to KM 26th Street Properties LLC, of a STREET IMPROVEMENT PERMIT (construct new 15' wide concrete sidewalk and concrete curb per City standards to provide a walking path from Clarendon Avenue to access the subject property). PERMIT NO. 14IE-0730. FOR HEARING TODAY.

(7) **APPEAL NO. 14-147**

HENRY GO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	147 Hahn Street. Protesting the ISSUANCE on August 06, 2014 to Clay Go, of an Alteration Permit (comply with NOV Nos. 201451831, 201486731; replace 3 windows at front and siding at rear; replace old garage door with new garage door 7' X 7'-7" wide; demolition of rooms built inside the garage; replace 3 windows at back of house in-kind). APPLICATION NO. 2014/06/11/8118. FOR HEARING TODAY.

(8) **APPEAL NO. 14-148**

THOMAS GODDARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4121 - 20th Street. Protesting the ISSUANCE on August 12, 2014, to 20th Street Trust, of an Alteration Permit (increase basement ceiling height from 6' to 8' by excavating down; place new concrete slab; repair cracked plastering on 1st, 2nd and 3rd floors). APPLICATION NO. 2014/08/11/3496. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **October 24, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

PUBLIC NOTICE

The Board of Appeals has **CANCELLED** the meeting of October 29, 2014. All matters on this agenda will be rescheduled to various dates in the near future.

The next regular meeting is scheduled for **WEDNESDAY, NOVEMBER 05, 2014**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **October 29, 2014**

10-29-14A10:49 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 05, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the October 15, 2014 minutes.

(4) JURISDICTION REQUEST

Subject property at 157 Randall Street. Letter from John Clifford & Charlene Attard, requestors, asking that the Board take jurisdiction over BPA No. 2013/06/25/0447, which was issued by the Department of Building Inspection on April 25, 2014. The appeal period ended on May 12, 2014, and this jurisdiction request was filed at the Board office on Sept. 22, 2014. Project: 28sf horizontal addition to 3rd floor; raise roof 8'10"; interior remodel of kitchen and miscellaneous improvements; construct deck on top of garage at 2nd floor; 3rd floor rear deck. Permit Holders: Maneesh Jain & Nadia Ramsaroop.

(5) **APPEAL NO. 14-155**

LETICIA LUNA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	246 Tingley Street. Appealing the IMPOSITION OF PENALTY on August 25, 2014, for construction work done without a permit. APPLICATION NO. 2014/08/25/4616. FOR HEARING TODAY.

(6) **APPEAL NO. 14-151**

STACY MILLER & GEETA BHADAURIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1485 Clay Street #10. Protesting the ISSUANCE on August 13, 2014, to Clay Street Investors LLC, Alteration Permit (renovation of kitchen and bathroom; all in kind; no walls removed; all plumbing and electrical as needed). APPLICATION NO. 2014/08/13/3751. FOR HEARING TODAY.

ITEMS (7A), (7B) & (7C) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 14-098**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1020 Filbert Street. Protesting the ISSUANCE on March 20, 2014, to Xelan Prop 1 LLC, of an Alteration Permit (remove illegal unit and convert back to legal use as single family home; connect both floors with new stair case interior). APPLICATION NO. 2014/03/20/1296. FOR HEARING TODAY.

(7B) **APPEAL NO. 14-101**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 08, 2014, to Xelan Prop 1 LLC, of an Alteration Permit (three kitchen and four bathroom remodel; units 1008, 1002, 1006 and 1000; no structural work). APPLICATION NO. 2014/05/07/5172. FOR HEARING TODAY.

(7C) **APPEAL NO. 14-104**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 19, 2014, to Xelan Prop 1 LLC, of a Plumbing Permit (install forced air furnace). APPLICATION NO. PM2014/05/19/847. FOR HEARING TODAY.

(8) **APPEAL NO. 14-150**

LYNN MAHR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	926 Garfield Street. Protesting the ISSUANCE on August 27, 2014, to Lily Esteban, Alteration Permit (two walls and one door to be removed; garage to be restored to original condition). APPLICATION NO. 2014/08/25/4676. FOR HEARING TODAY.

(9) **APPEAL NO. 14-099**

PAMELA MILLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3828 Cesar Chavez Street. Protesting the ISSUANCE on May 07, 2014, to Hela Campbell, Alteration Permit (disconnect and remove stove, refrigerator and sink; over-the-counter permit to demolish unwarranted rental unit; incorporating cottage back into and with the lower flat). APPLICATION NO. 2014/05/07/5151. FOR HEARING TODAY.

(10) **APPEAL NO. 14-153**

PAUL D. SCOTT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1531 Montgomery Street/ 302 Greenwich Street. Appealing the ISSUANCE on August 14, 2014, to Paul D. Scott, Letter of Determination (regarding whether the non-conforming restaurant use once located at the subject property [Julius' Castle] has been abandoned). FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 31, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
ARCELIA HURTADO	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 5, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Commissioner Frank Fung and Commissioner Darryl Honda.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Arcelia Hurtado and Commissioner Bobbie Wilson.

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

PUBLIC COMMENT: None.

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(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the October 15, 2014 minutes.

ACTION: Upon motion by Commissioner Honda, the Board voted 3-0-2 (Vice President Hurtado and Commissioner Wilson absent) to adopt the October 15, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) JURISDICTION REQUEST

Subject property at 157 Randall Street. Letter from John Clifford & Charlene Attard, requestors, asking that the Board take jurisdiction over BPA No. 2013/06/25/0447, which was issued by the Department of Building Inspection on April 25, 2014. The appeal period ended on May 12, 2014, and this jurisdiction request was filed at the Board office on Sept. 22, 2014. Project: 28sf horizontal addition to 3rd floor; raise roof 8'10"; interior remodel of kitchen and miscellaneous improvements; construct deck on top of garage at 2nd floor; 3rd floor rear deck. Permit Holders: Maneesh Jain & Nadia Ramsaroop.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-2 (Vice President Hurtado and Commissioner Wilson absent) to deny the request.

SPEAKERS: John Clifford, requestor; Charlene Attard, requestor; Nadia Ramsaroop, permit holder; Brett Gladstone, attorney for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 14-155**

LETICIA LUNA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	246 Tingley Street. Appealing the IMPOSITION OF PENALTY on August 25, 2014, for construction work done without a permit. APPLICATION NO. 2014/08/25/4616. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-2 (Vice President Hurtado and Commissioner Wilson absent) to continue this matter to November 12, 2014 in order to allow the missing Commissioners to participate in the final vote.

SPEAKERS: Leticia Luna, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 14-151**

STACY MILLER & GEETA BHADAURIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1485 Clay Street #10. Protesting the ISSUANCE on August 13, 2014, to Clay Street Investors LLC, of an Alteration Permit (renovation of kitchen and bathroom; all in kind; no walls removed; all plumbing and electrical as needed). APPLICATION NO. 2014/08/13/3751. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-2 (Vice President Hurtado and Commissioner Wilson absent) to continue this matter to November 12, 2014 to allow the permit holder to submit drawings indicating the scope of work.

SPEAKERS: Stacy Miller, appellant; Geeta Bhaduria, appellant; Manoj Kapoor, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Alexander Purlats spoke in support of the appellants.

ITEMS (7A), (7B) & (7C) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 14-098**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1020 Filbert Street. Protesting the ISSUANCE on March 20, 2014, to Xelan Prop 1 LLC, of an Alteration Permit (remove illegal unit and convert back to legal use as single family home; connect both floors with new stair case interior). APPLICATION NO. 2014/03/20/1296. FOR HEARING TODAY.

(7B) **APPEAL NO. 14-101**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 08, 2014, to Xelan Prop 1 LLC, of an Alteration Permit (three kitchen and four bathroom remodel; units 1008, 1002, 1006 and 1000; no structural work). APPLICATION NO. 2014/05/07/5172. FOR HEARING TODAY.

(7C) **APPEAL NO. 14-104**

MARIA MARANGHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1000 Filbert Street. Protesting the ISSUANCE on May 19, 2014, to Xelan Prop 1 LLC, of a Plumbing Permit (install forced air furnace). APPLICATION NO. PM2014/05/19/847. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-2 (Vice President Hurtado and Commissioner Wilson absent) to continue all three appeals to the Call of the Chair to allow time for all Notices of Violation to be resolved and any required permit applications to be filed.

SPEAKERS: Nancy Conway, attorney for appellant; Karen Uchiyama, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Patrick Buscovich spoke in support the appellant.

(8) **APPEAL NO. 14-150**

LYNN MAHR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	926 Garfield Street. Protesting the ISSUANCE on August 27, 2014, to Lily Esteban, of an Alteration Permit (two walls and one door to be removed; garage to be restored to original condition). APPLICATION NO. 2014/08/25/4676. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 3-0-2 (Vice President Hurtado and Commissioner Wilson absent) to continue this matter to January 28, 2015 to allow the Department of Building Inspection to inspect the ground floor.

SPEAKERS: Lynn Mahr, appellant; Lily Esteban, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Jeffrey Solano spoke in support of the appellant.

(9) **APPEAL NO. 14-099**

PAMELA MILLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3828 Cesar Chavez Street. Protesting the ISSUANCE on May 07, 2014, to Hela Campbell, of an Alteration Permit (disconnect and remove stove, refrigerator and sink; over-the-counter permit to demolish unwarranted rental unit; incorporating cottage back into and with the lower flat). APPLICATION NO. 2014/05/07/5151. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 3-0-2 (Vice President Hurtado and Commissioner Wilson absent) to continue this matter to January 28, 2015 in order to allow the missing Commissioners to participate in the final vote.

SPEAKERS: Dave Crow, attorney for appellant; Karen Uchiyama, attorney for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Norma Dela Fuente spoke in support of the permit holder.

(10) **APPEAL NO. 14-153**

PAUL D. SCOTT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1531 Montgomery Street/ 302 Greenwich Street. Appealing the ISSUANCE on August 14, 2014, to Paul D. Scott, of a Letter of Determination (regarding whether the non-conforming restaurant use once located at the subject property [Julius' Castle] has been abandoned). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 3-0-2 (Vice President Hurtado and Commissioner Wilson absent) to reschedule this matter to January 14, 2015 at the request of the appellant.

SPEAKERS: Paul Scott, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: Patricia Shean and Gordon Francis spoke in support of the ZA.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 9:50 p.m.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 12, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

14-07-14P01:08 RCVD

(1) **PUBLIC COMMENT**

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the November 05, 2014 minutes.

(4) **APPEAL NO. 14-155**

LETICIA LUNA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	246 Tingley Street. Appealing the IMPOSITION OF PENALTY on August 25, 2014, for construction work done without a permit. APPLICATION NO. 2014/08/25/4616. PUBLIC HEARING HELD ON NOV. 05, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow Vice President Hurtado and Commissioner Wilson to participate in the final vote.**

(5) **APPEAL NO. 14-161**

LISA CACCAVO & FRIEDEMANN THOMMA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3647 - 22nd Street. Appealing the IMPOSITION OF PENALTY on September 16, 2014, for construction work done without a permit. APPLICATION NO. 2013/07/08/1319. FOR HEARING TODAY.

(6) **APPEAL NO. 14-151**

STACY MILLER & GEETA BHADAURIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1485 Clay Street #10. Protesting the ISSUANCE on August 13, 2014, to Clay Street Investors LLC, of an Alteration Permit (renovation of kitchen and bathroom; all in kind; no walls removed; all plumbing and electrical as needed). APPLICATION NO. 2014/08/13/3751. PUBLIC HEARING HELD ON NOV. 05, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the permit holder to submit revised plans pursuant to the Board's comments.**

(7) **APPEAL NO. 14-148**

THOMAS GODDARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4121 - 20th Street. Protesting the ISSUANCE on August 12, 2014, to 20th Street Trust, of an Alteration Permit (increase basement ceiling height from 6' to 8' by excavating down; place new concrete slab; repair cracked plastering on 1st, 2nd and 3rd floors). APPLICATION NO. 2014/08/11/3496. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **November 07, 2014**

MEMBERS OF THE BOARD OF APPEALS

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ARCELIA HURTADO	VICE PRESIDENT
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 12, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

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PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

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SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the November 5, 2014 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to adopt the November 5, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 14-155**

LETICIA LUNA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	246 Tingley Street. Appealing the IMPOSITION OF PENALTY on August 25, 2014, for construction work done without a permit. APPLICATION NO. 2014/08/25/4616. PUBLIC HEARING HELD ON NOV. 05, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow Vice President Hurtado and Commissioner Wilson to participate in the final vote.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the appeal and reduce the penalty to two times the permit fee on the basis that the appellant did not own the property when the unpermitted work was performed.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 14-161**

LISA CACCAVO & FRIEDEMANN THOMMA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3647 - 22nd Street. Appealing the IMPOSITION OF PENALTY on September 16, 2014, for construction work done without a permit. APPLICATION NO. 2013/07/08/1319. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0 to grant the appeal and reduce the penalty to two times the permit fee on the basis that the appellants did not own the property when the unpermitted work was performed.

SPEAKERS: Friedemann Thomma, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 14-151**

STACY MILLER & GEETA BHADAURIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1485 Clay Street #10. Protesting the ISSUANCE on August 13, 2014, to Clay Street Investors LLC, of an Alteration Permit (renovation of kitchen and bathroom; all in kind; no walls removed; all plumbing and electrical as needed). APPLICATION NO. 2014/08/13/3751. PUBLIC HEARING HELD ON NOV. 05, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the permit holder to submit revised plans pursuant to the Board's comments.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the appeal and uphold the permit on the condition that the revised plan set provided at the hearing be upgraded to meet all Department of Building Inspection intake requirements and that these plans include the scope of work for the kitchen.

SPEAKERS: Manoj Kapoor, permit holder; Stacy Miller, appellant; Geeta Bhadauria, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: Alex Purlats spoke in support of the appellant.

(7) **APPEAL NO. 14-148**

THOMAS GODDARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4121 - 20th Street. Protesting the ISSUANCE on August 12, 2014, to 20th Street Trust, of an Alteration Permit (increase basement ceiling height from 6' to 8' by excavating down; place new concrete slab; repair cracked plastering on 1st, 2nd and 3rd floors). APPLICATION NO. 2014/08/11/3496. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to continue the appeal to November 19, 2014 to allow the permit holder time to meet with the Department of Building Inspection staff to evaluate the site conditions and determine whether any permit revisions are necessary.

SPEAKERS: Thomas Goddard, appellant; Jonathan Black, attorney for permit holder; Antonio Prado, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Dennis Abbe and Eve Harris spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 7:45 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 19, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

11-13-14A11:24 RCVD

(3) **ADOPTION OF MINUTES**

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Discussion and possible adoption of the Nov. 12, 2014 minutes.

NOV 14 2014

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(4) **APPEAL NO. 14-141**

MICHIKO YAMADA, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1963 Sutter Street. Protesting the ISSUANCE on July 23, 2014, to Roostertail Restaurant, of a Noise Variance (regarding rooftop fan noise from mechanical exhaust system/equipment). PUBLIC HEARING HELD ON OCTOBER 08, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the parties to attempt further settlement negotiations; additional briefing is allowed.**

(5) **APPEAL NO. 14-157**

LILY LOUIE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	5525 Diamond Heights Blvd. Appealing the DENIAL on September 03, 2014, of a Tree Removal Permit (denial of request for removal with replacement of one (1) DPW maintained street tree). ORDER NO. 182887. FOR HEARING TODAY.

(6) **APPEAL NO. 14-148**

THOMAS GODDARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4121 - 20th Street. Protesting the ISSUANCE on August 12, 2014, to 20th Street Trust, of an Alteration Permit (increase basement ceiling height from 6' to 8' by excavating down; place new concrete slab; repair cracked plastering on 1st, 2nd and 3rd floors). APPLICATION NO. 2014/08/11/3496. PUBLIC HEARING HELD ON NOV. 12, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DBI and permit holder to conduct a review of the site conditions; no additional briefing is allowed.**

(7) **JURISDICTION REQUEST**

Subject property at 271 Fair Oaks Street. Letter from Monique Farris, Attorney for John Roman, requestor, asking that the Board take jurisdiction over BPA No. 2014/08/18/4044, which was issued by the Department of Building Inspection on August 18, 2014. The appeal period ended on September 02, 2014, and this jurisdiction request was filed at the Board office on October 02, 2014. Project: remove undocumented basement unit, and restore to original storage space; comply with NOV No. 199710692. Permit Holder: AEBT LLC.

(8) **APPEAL NO. 14-149**

CHARLES PAPPAS dba "DIVINITY TREE PATIENTS' WELLNESS COOPERATIVE",, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: 954 GEARY LP	958 Geary Street. Appealing the ISSUANCE on August 11, 2014, of Letter of Determination (regarding whether a Medical Cannabis Dispensary (MCD) may be re-established at the retail space located at the subject property). FOR HEARING TODAY.

(9) **APPEAL NO. 14-154**

TAM CHUN SHAN, YUK YU CHUNG & CERISE CHENG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	834 - 44th Avenue. Protesting the ISSUANCE on August 22, 2014, to 834 - 44th Avenue LLC, of an Alteration Permit (convert two-story, single-family home into a three-story, two-unit building with two off-street parking spaces). APPLICATION NO. 2011/10/04/6071S. FOR HEARING TODAY.

ITEMS (10A), (10B), AND (10C) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 14-156**

RICHARD & SANDY OCSKASY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1366 Green Street. Protesting the ISSUANCE on September 04, 2014, to Christopher Chu, of a Plumbing Permit (work category 1P; relocate washer and dryer; replace water heater). APPLICATION NO. PW2014/09/04/924. FOR HEARING TODAY.

(10B) **APPEAL NO. 14-159**

RICHARD & SANDY OCSKASY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1366 Green Street. Protesting the ISSUANCE on September 12, 2014, to Christopher Chu, of an Alteration Permit (reinforce floor joists in bath; replace furnace, water heater, washer/dryer at existing laundry room at 4th floor). APPLICATION NO. 2014/09/12/6182. FOR HEARING TODAY.

(10C) **APPEAL NO. 14-160**

RICHARD & SANDY OCSKASY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1366 Green Street. Protesting the ISSUANCE on September 04, 2014, to Christopher Chu, of an Electrical Permit (relocate power for washer/dryer). APPLICATION NO. EW2014/09/04/182. FOR HEARING TODAY.

ITEMS (11A) AND (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 14-158**

CYNTHIA SMITH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1264 - 6th Avenue. Protesting the ISSUANCE on September 08, 2014, to Clay Leighton & Andrea Sello, of an Alteration Permit (new three-story rear addition with 3rd floor 72sf deck). APPLICATION NO. 2013/06/26/0594S. FOR HEARING TODAY.

(11B) **APPEAL NO. 14-162**

KEN MILLER & JULIE MCKENZIE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1264 - 6th Avenue. Protesting the ISSUANCE on September 08, 2014, to Clay Leighton & Andrea Sello, of an Alteration Permit (new three-story rear addition with 3rd floor 72sf deck). APPLICATION NO. 2013/06/26/0594S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda. Date posted: **Nov. 14, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
BOBBIE WILSON	COMMISSIONER
*** VACANCY ***	----------

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business.

This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 19, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Sherri Sokeland Kaiser, Deputy City Attorney for the Department of Public Health (DPH-OCA); June Weintraub, Acting Manager, Environmental Health Branch, Department of Public Health (DPH); Ryan Clausnitzer, Inspector, Environmental Health Branch, DPH; Chris Buck, Investigator, Department of Public Works, Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Lazarus and Commissioner Honda both thanked former Vice President Hurtado for her service on the Board.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the November 12, 2014 minutes.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0 to adopt the November 12, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 14-141**

MICHIKO YAMADA, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1963 Sutter Street. Protesting the ISSUANCE on July 23, 2014, to Roostertail Restaurant, of a Noise Variance (regarding rooftop fan noise from mechanical exhaust system/equipment). PUBLIC HEARING HELD ON OCTOBER 08, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the parties to attempt further settlement negotiations; additional briefing is allowed.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the appeal and deny the variance on the basis that the existing sound levels do not conform to the noise ordinance, and with the adoption of written findings on December 10, 2014.

SPEAKERS: Michiko Yamada, appellant; Bruce Bonacker, agent for appellant; Charles Salter, agent for appellant; Eric Yee, agent for appellant; David Silverman, attorney for variance holder; Sherri Sokeland Kaiser, DPH-OCA; June Weintraub, DPH.

PUBLIC COMMENT: Kevin Chin, Karen Kai, Sean O'Brien, Katrina Forck, Robert Rusky and Paul Wermer spoke in support of the appellant.

(5) **APPEAL NO. 14-157**

LILY LOUIE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	5525 Diamond Heights Blvd. Appealing the DENIAL on September 03, 2014, of a Tree Removal Permit (denial of request for removal with replacement of one (1) DPW maintained street tree). ORDER NO. 182887. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 2-2 (Commissioner Fung and Commissioner Honda dissented) to deny the appeal and uphold the denial of the permit on the basis that the tree is healthy and the Department of Public Works is committed to maintaining the tree and surrounding sidewalk. Lacking the three votes needed to pass, the motion failed. With no further motion made, the denial was upheld by operation of law.

SPEAKERS: Lily Louie, appellant, Chris Buck, DPW BUF.

PUBLIC COMMENT: Betsy Eddy, Paul Matalucci and Karen Goodman spoke in support of the Department.

(6) **APPEAL NO. 14-148**

THOMAS GODDARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4121 - 20th Street. Protesting the ISSUANCE on August 12, 2014, to 20th Street Trust, of an Alteration Permit (increase basement ceiling height from 6' to 8' by excavating down; place new concrete slab; repair cracked plastering on 1st, 2nd and 3rd floors). APPLICATION NO. 2014/08/11/3496. PUBLIC HEARING HELD ON NOV. 12, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DBI and permit holder to conduct a review of the site conditions; no additional briefing is allowed.**

ACTION: Upon motion by President Lazarus, the Board voted 4-0 to continue this matter to January 21, 2015.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **JURISDICTION REQUEST**

Subject property at 271 Fair Oaks Street. Letter from Monique Farris, Attorney for John Roman, requestor, asking that the Board take jurisdiction over BPA No. 2014/08/18/4044, which was issued by the Department of Building Inspection on August 18, 2014. The appeal period ended on September 02, 2014, and this jurisdiction request was filed at the Board office on October 02, 2014. Project: remove undocumented basement unit, and restore to original storage space; comply with NOV No. 199710692. Permit Holder: AEBT LLC.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to reschedule this matter to December 10, 2014.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 14-149**

CHARLES PAPPAS dba "DIVINITY TREE PATIENTS' WELLNESS COOPERATIVE",, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: 954 GEARY LP	958 Geary Street. Appealing the ISSUANCE on August 11, 2014, of Letter of Determination (regarding whether a Medical Cannabis Dispensary (MCD) may be re-established at the retail space located at the subject property). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1 (Commissioner Honda dissented) to deny the appeal and uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Charles Pappas, appellant; Scott Sanchez, ZA; Ryan Clausnitzer, DPH.

PUBLIC COMMENT: Shona Gochenaur, David Goldman, Michael Koehn, Albert Blais, Pamela Clark, Edward Breslin and Mina Smith spoke in support of the appellant. Charles Malcolm spoke in support of the Zoning Administrator.

(9) **APPEAL NO. 14-154**

TAM CHUN SHAN, YUK YU CHUNG & CERISE CHENG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	834 - 44th Avenue. Protesting the ISSUANCE on August 22, 2014, to 834 - 44th Avenue LLC, of an Alteration Permit (convert two-story, single-family home into a three-story, two-unit building with two off-street parking spaces). APPLICATION NO. 2011/10/04/6071S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to continue the appeal to December 17, 2014 to allow the Department of Building Inspection to inspect the site to determine what elements should be demolished, for revised plans to be submitted reflecting all needed revisions, and for the plans to match all lightwells of the adjoining properties at all levels.

SPEAKERS: John Lau, agent for appellants; James Lee, agent for appellants; John Kevlin, attorney for permit holder; Michael Dayan, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI;.

PUBLIC COMMENT: None.

ITEMS (10A), (10B), AND (10C) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 14-156**

RICHARD & SANDY OCSKASY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1366 Green Street. Protesting the ISSUANCE on September 04, 2014, to Christopher Chu, of a Plumbing Permit (work category 1P; relocate washer and dryer; replace water heater). APPLICATION NO. PW2014/09/04/924. FOR HEARING TODAY.

(10B) **APPEAL NO. 14-159**

RICHARD & SANDY OCSKASY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1366 Green Street. Protesting the ISSUANCE on September 12, 2014, to Christopher Chu, of an Alteration Permit (reinforce floor joists in bath; replace furnace, water heater, washer/dryer at existing laundry room at 4th floor). APPLICATION NO. 2014/09/12/6182. FOR HEARING TODAY.

(10C) **APPEAL NO. 14-160**

RICHARD & SANDY OCSKASY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1366 Green Street. Protesting the ISSUANCE on September 04, 2014, to Christopher Chu, of an Electrical Permit (relocate power for washer/dryer). APPLICATION NO. EW2014/09/04/182. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to reschedule these matters to January 28, 2015 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (11A) AND (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 14-158**

CYNTHIA SMITH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1264 - 6th Avenue. Protesting the ISSUANCE on September 08, 2014, to Clay Leighton & Andrea Sello, of an Alteration Permit (new three-story rear addition with 3rd floor 72sf deck). APPLICATION NO. 2013/06/26/0594S. FOR HEARING TODAY.

(11B) **APPEAL NO. 14-162**

KEN MILLER & JULIE MCKENZIE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1264 - 6th Avenue. Protesting the ISSUANCE on September 08, 2014, to Clay Leighton & Andrea Sello, of an Alteration Permit (new three-story rear addition with 3rd floor 72sf deck). APPLICATION NO. 2013/06/26/0594S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeals and uphold the permit on the basis that the permit is Code compliant.

SPEAKERS: Cynthia Smith, appellant; Julie McKenzie, appellant; Ken Miller, appellant; David Sliverman, attorney for permit holders; Leslie Arnold, agent for permit holders; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Randall Schiller, Regina Karson, Richard Brydon, Helen Luke and Kimra McPherson spoke in support of the appellants. Katherine Rothrum and Joy Kent spoke in support of the permit holders.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 10:00 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for November 26, 2014 or December 03, 2014. The next regular meeting is scheduled for **WEDNESDAY, DECEMBER 10, 2014**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **November 21, 2014**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 10, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

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Discussion and possible adoption of the November 19, 2014 minutes.

ITEMS (4A) AND (4B) SHALL BE HEARD TOGETHER:

(4A) **APPEAL NO. 11-142**

SANJAY DANI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	45 Priest Street. Appealing the denial on Dec. 02, 2011, of Permit to Erect a Building (garage structure with 440sf of ground floor area). APPLICATION NO. 2006/12/05/9210. FOR HEARING TODAY.

(4B) **APPEAL NO. 11-143**

SANJAY DANI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	45 Priest Street. Appealing the denial on Dec. 02, 2011, of Permit to Alter a Building (construct stairs to second level of existing building in backyard; based on Planning variance approval 2005.0607V). APPLICATION NO. 2007/04/05/8127. FOR HEARING TODAY.

(5) **JURISDICTION REQUEST**

Subject property at 2250 – 34th Avenue. Letter from David & Jennifer Nicholson, requestors, asking that the Board take jurisdiction over BPA No. 2014/08/21/4454, which was issued on October 03, 2014 by the Department of Building Inspection. The appeal period ended on October 20, 2014, and the jurisdiction request was filed at the Board office on November 21, 2014. Permit Holder: Growth Equity Partners. Project: comply with NOV No. 201489971; media room; add two bedrooms, one bath room, and laundry at 1st floor per plan; add deck at rear at 2nd floor.

(6) **APPEAL NO. 14-141**

MICHIKO YAMADA, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1963 Sutter Street. Protesting the ISSUANCE on July 23, 2014, to Roostertail Restaurant, of a Noise Variance (regarding rooftop fan noise from mechanical exhaust system/equipment). FOR ADOPTION OF FINDINGS TODAY. **Note: On Nov. 19, 2014, the Board voted 4-0 to overrule the noise variance on the basis that the existing sound levels do not conform to the noise ordinance, and with the adoption of findings on December 10, 2014.**

(7) **APPEAL NO. 14-164**

IRVING ZARETSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2655 Broderick Street. Protesting the ISSUANCE on September 17, 2014, to Mark Casey, of an Alteration Permit (response to NOV No. 201168794; retrofit of existing planter box only). APPLICATION NO. 2012/04/06/7781. FOR HEARING TODAY.

(8) **APPEAL NO. 14-170**

LORNA MURDOCK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	456 - 27th Street. Protesting the ISSUANCE on September 15, 2014, to Robert Edmonds, of a Permit to Erect a Building (construct a three-story, two-unit residential building with 1,750sf of ground floor area). APPLICATION NO. 2013/03/11/1903S. FOR HEARING TODAY.

(9) **APPEAL NO. 14-171**

LISA KRIM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3636 Webster Street. Protesting the ISSUANCE on October 01, 2014, to Frank & Ann Hardenbergh, of an Alteration Permit (comply with NOV No. 201493443; add two new rear windows, a skylight, a door, and replace railing at existing pop-out and existing deck; repair roof and deck as required). APPLICATION NO. 2014/09/30/7684. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **December 5, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
BOBBIE WILSON	COMMISSIONER
VACANCY	----------

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

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SPECIAL NOTES

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 10, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Corey Teague, Assistant Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Sherri Sokeland Kaiser, Deputy City Attorney for the Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Lazarus announced that Commissioner Honda will leave the Board meeting at 7:00 p.m.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the November 19, 2014 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Wilson absent) to adopt the November 19, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (4A) AND (4B) SHALL BE HEARD TOGETHER:

(4A) **APPEAL NO. 11-142**

SANJAY DANI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	45 Priest Street. Appealing the denial on Dec. 02, 2011, of Permit to Erect a Building (garage structure with 440sf of ground floor area). APPLICATION NO. 2006/12/05/9210. FOR HEARING TODAY.

(4B) **APPEAL NO. 11-143**

SANJAY DANI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	45 Priest Street. Appealing the denial on Dec. 02, 2011, of Permit to Alter a Building (construct stairs to second level of existing building in backyard; based on Planning variance approval 2005.0607V). APPLICATION NO. 2007/04/05/8127. FOR HEARING TODAY.

ACTION: These matters were withdrawn at the hearing.

(5) **JURISDICTION REQUEST**

Subject property at 2250 – 34th Avenue. Letter from David & Jennifer Nicholson, requestors, asking that the Board take jurisdiction over BPA No. 2014/08/21/4454, which was issued on October 03, 2014 by the Dept. of Building Inspection. The appeal period ended on October 20, 2014, and the jurisdiction request was filed at the Board office on November 21, 2014. Permit Holder: Growth Equity Partners. Project: comply with NOV No. 201489971; media room; add two bedrooms, one bath room, and laundry at 1st floor per plan; add deck at rear at 2nd floor

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Wilson absent) to grant the request on the basis that the requestors did not received the required notice.

SPEAKERS: David Nicholson, requestor; Mark Loper, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Rhonda Racine spoke in support of the requestors.

(6) **APPEAL NO. 14-141**

MICHIKO YAMADA, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1963 Sutter Street. Protesting the ISSUANCE on July 23, 2014, to Roostertail Restaurant, of a Noise Variance (regarding rooftop fan noise from mechanical exhaust system/equipment). FOR ADOPTION OF FINDINGS TODAY. **Note: On Nov. 19, 2014, the Board voted 4-0 to overrule the noise variance on the basis that the existing sound levels do not conform to the noise ordinance, and with adoption of findings on December 10, 2014.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to adopt the findings.

SPEAKERS: Michiko Yamada, appellant; David Silverman, attorney for variance holder; Sherri Sokeland Kaiser, DPH.

PUBLIC COMMENT: Matthew Barto, Katrina Forck and Kevin Chin spoke in support of the appellant. Gwyneth Borden spoke in support of the variance holder.

(7) **APPEAL NO. 14-164**

IRVING ZARETSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2655 Broderick Street. Protesting the ISSUANCE on September 17, 2014, to Mark Casey, of an Alteration Permit (response to NOV No. 201168794; retrofit of existing planter box only). APPLICATION NO. 2012/04/06/7781. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Irving Zaretsky, appellant (Mr. Zaretsky did not participate in the hearing on the merits); Craig Nikitas, permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 14-170**

LORNA MURDOCK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	456 - 27th Street. Protesting the ISSUANCE on September 15, 2014, to Robert Edmonds, of a Permit to Erect a Building (construct a three-story, two-unit residential building with 1,750sf of ground floor area). APPLICATION NO. 2013/03/11/1903S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it conforms with the Residential Design Guidelines.

SPEAKERS: Lorna Murdock, appellant; David Silverman, attorney for permit holders; Robert Edmonds, permit holder; Vivian Lee, permit holder; Corey Teague, ZA.

PUBLIC COMMENT: Mitchelle Piazza and Wendy Bertrand spoke in support of the appellant. Daniel Weiss, Brenda Weiss and Jan Gersonde spoke in support of the permit holder.

(9) **APPEAL NO. 14-171**

LISA KRIM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3636 Webster Street. Protesting the ISSUANCE on October 01, 2014, to Frank & Ann Hardenbergh, of an Alteration Permit (comply with NOV No. 201493443; add two new rear windows, a skylight, a door, and replace railing at existing pop-out and existing deck; repair roof and deck as required). APPLICATION NO. 2014/09/30/7684. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Honda absent) to grant the appeal and deny the permit on the basis that it does not conform to the existing variance.

SPEAKERS: Lisa Krim, appellant; Frank Hardenbergh, permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: David Parry spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 7:50 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 17, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the December 10, 2014 minutes.

(4) **APPEAL NO. 14-172**

KEVIN McELROY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2707 - 21st Street. Appealing the DENIAL on September 26, 2014, of a Tree Removal Permit (denial of request to remove four (4) privately maintained street trees with one (1) replacement tree). ORDER NO. 182947. FOR HEARING TODAY.

(5) **APPEAL NO. 14-173**

JULIAN P. LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	131 Grijalva Drive. Protesting the ISSUANCE on September 26, 2014, to Arborwell, of a Tree Removal Permit (removal with replacement of two (2) privately maintained street trees). ORDER NO. 182941. FOR HEARING TODAY.

(6) **APPEAL NO. 14-154**

TAM CHUN SHAN, YUK YU CHUNG & CERISE CHENG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	834 - 44th Avenue. Protesting the ISSUANCE on August 22, 2014, to 834 - 44th Avenue LLC, of an Alteration Permit (convert two-story, single-family home into a three-story, two-unit building with two off-street parking spaces). APPLICATION NO. 2011/10/04/6071S. PUBLIC HEARING HELD ON NOV. 19, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for DBI to conduct a site inspection, and for the permit holder to submit revised plans; no additional briefing is allowed.**

(7) **REHEARING REQUEST**

Subject property at 958 Geary Street. Letter from Charles Pappas, appellant, requesting rehearing of Appeal No. 14-149, Pappas vs. ZA, decided November 19, 2014. At that time, upon motion by Commissioner Fung, the Board voted 3-1-1 (Commissioner Honda dissented, one vacancy) to uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion. LOD: regarding whether a Medical Cannabis Dispensary (MCD) may be re-established at the retail space located at the subject property.

(8) **REHEARING REQUEST**

Subject property at 1264 – 6th Avenue. Letter from Ken Miller & Julie McKenzie, appellants, requesting rehearing of Appeal No. 14-162, Miller & McKenzie vs. DBI, PDA, decided November 19, 2014. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (one vacancy) to uphold the subject permit on the basis that it is Code compliant. Permit Holders: Clay Leighton & Andrea Sello. Project: new three-story rear addition with 3rd floor 72sf deck; BPA No. 2013/06/26/0594S.

(9) **JURISDICTION REQUEST**

Subject property at 1784 Sanchez Street. Letter from Anthony Grumbach, Katherine Poole and Isabel Talusen Escalada, requestors, asking that the Board take jurisdiction over Variance Case No. 2013.0831V, which was granted on October 08, 2014 by the Zoning Administrator. The appeal period ended on October 20, 2014, and the jurisdiction request was filed at the Board office on November 25, 2014. Variance Holders: James Monschke & Anastasia Micheals. Project: construct a two-story horizontal addition at the rear of the building.

(10) **JURISDICTION REQUEST**

Subject property at 614 Noe Street. Letter from Jeremy Paul, agent for Steve Gerard, requestor, asking that the Board take jurisdiction over BPA No. 2014/08/18/4036, which was issued on August 26, 2014 by the Dept. of Building Inspection. The appeal period ended on September 10, 2014, and the jurisdiction request was filed at the Board office on December 01, 2014. Permit Holder: Stephan Fawler. Project: revision to BPA No. 2012/09/05/8924; new roof deck with retractable skylight for stair access.

(11) **APPEAL NO. 14-146**

GEORGE & MYRTA MATULA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1410 Stanyan Street. Protesting the ISSUANCE on August 07, 2014, to KM 26th Street Properties LLC, of a STREET IMPROVEMENT PERMIT (construct new 15' wide concrete sidewalk and concrete curb per City standards to provide a walking path from Clarendon Avenue to access the subject property). PERMIT NO. 14IE-0730. FOR HEARING TODAY.

(12) **APPEAL NO. 14-175**

PHILLIP ACHILLES, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	819 Ellis Street. Protesting the ISSUANCE on October 01, 2014, of a Notice of Violation & Penalty (regarding the operation of an unauthorized tourist hotel at the third floor of the parking garage). FOR HEARING TODAY.

(13) **APPEAL NO. 14-176**

JASON BLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	731 Commercial Street. Protesting the ISSUANCE on October 03, 2014, to Charity Cultural Services Center, of an Alteration Permit (add 4 risers stair between 731 and 731 and provide improved entrance accessibility to 731; new doors to match wood existing and to include power door assist). APPLICATION NO. 2014/09/30/7675. FOR HEARING TODAY.

(14) **APPEAL NO. 14-188**

CRIS & TINA IBARRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	41 Lake Street. Protesting the ISSUANCE on November 10, 2014, to Kyle Patterson, of an Alteration Permit (remove existing foundation at west property line and construct new compliant foundation - install new anchor bolts & plywood (voluntary) at new foundation and wall above). APPLICATION NO. 2014/08/29/5065. FOR HEARING TODAY.

ADJOURNMENT.

***** The Board will adjourn to Soluna Café & Lounge at 272 McAllister Street after the meeting for a holiday gathering.**

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Date posted: **December 12, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
BOBBIE WILSON	COMMISSIONER
*** VACANCY ***	----------

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ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 17, 2014

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Corey Teague, Assistant Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Nick Elsner, Senior Plan Checker, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Chris Buck, Investigator, Department of Public Works, Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

12/17/14

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the December 10, 2014 minutes.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0 to adopt the December 10, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 14-172**

KEVIN McELROY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2707 - 21st Street. Appealing the DENIAL on September 26, 2014, of a Tree Removal Permit (denial of request to remove four (4) privately maintained street trees with one (1) replacement tree). ORDER NO. 182947. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 4-0 to grant the appeal, overturn the denial and issue the permit on the basis that an alternative tree species would be more suitable for the neighborhood, and on the condition that the replacement trees be of a 24" box size and with the species to be selected by the Department of Public Works in consultation with the appellant.

SPEAKERS: Kevin McElroy, appellant; Chole Sladden, agent for appellant; Chris Buck, DPW.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 14-173**

JULIAN P. LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	131 Grijalva Drive. Protesting the ISSUANCE on September 26, 2014, to Arborwell, of a Tree Removal Permit (removal with replacement of two (2) privately maintained street trees). ORDER NO. 182941. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0 to grant the appeal and uphold the permit on the basis that the trees are hazardous and on the condition that they be replaced with 48" box size trees, with the species to be selected by the Department of Public Works in consultation with the permit holder.

SPEAKERS: Julian Lagos, appellant; Chris Buck, DPW. The permit holder did not appear.

PUBLIC COMMENT: Diane Carpio spoke in support of the appellant.

(6) **APPEAL NO. 14-154**

TAM CHUN SHAN, YUK YU CHUNG & CERISE CHENG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	834 - 44th Avenue. Protesting the ISSUANCE on August 22, 2014, to 834 - 44th Avenue LLC, of an Alteration Permit (convert two-story, single-family home into a three-story, two-unit building with two off-street parking spaces). APPLICATION NO. 2011/10/04/6071S. PUBLIC HEARING HELD ON NOV. 19, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for DBI to conduct a site inspection, and for the permit holder to submit revised plans; no additional briefing is allowed.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the appeal on the basis of the agreement of the parties, and condition the permit on the adoption of revised plans dated December 17, 2014. The Board noted that the Department of Building Inspection shall review the foundation for Code compliance at the completion of demolition.

SPEAKERS: John Lau, agent for appellant; John Kevin, attorney for permit holder; Joseph Duffy, DBI; Corey Teague, ZA.

PUBLIC COMMENT: None.

(7) **REHEARING REQUEST**

Subject property at 958 Geary Street. Letter from Charles Pappas, appellant, requesting rehearing of Appeal No. 14-149, Pappas vs. ZA, decided November 19, 2014. At that time, upon motion by Commissioner Fung, the Board voted 3-1-1 (Commissioner Honda dissented, one vacancy) to uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion. LOD: regarding whether a Medical Cannabis Dispensary (MCD) may be re-established at the retail space located at the subject property.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the rehearing request.

SPEAKERS: Charles Pappas, requestor; Corey Teague, ZA.

PUBLIC COMMENT: None.

(8) **REHEARING REQUEST**

Subject property at 1264 – 6th Avenue. Letter from Ken Miller & Julie McKenzie, appellants, requesting rehearing of Appeal No. 14-162, Miller & McKenzie vs. DBI, PDA, decided November 19, 2014. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (one vacancy) to uphold the subject permit on the basis that it is Code compliant. Permit Holders: Clay Leighton & Andrea Sello. Project: new three-story rear addition with 3rd floor 72sf deck; BPA No. 2013/06/26/0594S.

ACTION: Upon motion by President Lazarus, the Board voted 4-0 deny the rehearing request.

SPEAKERS: Julie McKenzie, requestor; David Silverman, attorney for permit holder.

PUBLIC COMMENT: None.

(9) **JURISDICTION REQUEST**

Subject property at 1784 Sanchez Street. Letter from Anthony Grumbach, Katherine Poole and Isabel Talusen Escalada, requestors, asking that the Board take jurisdiction over Variance Case No. 2013.0831V, which was granted on October 08, 2014 by the Zoning Administrator. The appeal period ended on October 20, 2014, and the jurisdiction request was filed at the Board office on November 25, 2014. Variance Holders: James Monschke & Anastasia Micheals. Project: construct a two-story horizontal addition at the rear of the building.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0 to grant the jurisdiction request on the basis that the Department inadvertently caused the requestors to miss the appeal filing deadline.

SPEAKERS: Kate Poole, requestor; Brett Gladstone, attorney for permit holders; Anastasia Micheals, permit holder; Corey Teague, ZA.

PUBLIC COMMENT: Joan Lionberger spoke in support of the permit holders.

(10) **JURISDICTION REQUEST**

Subject property at 614 Noe Street. Letter from Jeremy Paul, agent for Steve Gerard, requestor, asking that the Board take jurisdiction over BPA No. 2014/08/18/4036, which was issued on August 26, 2014 by the Dept. of Building Inspection. The appeal period ended on September 10, 2014, and the jurisdiction request was filed at the Board office on December 01, 2014. Permit Holder: Stephan Fawler. Project: revision to BPA No. 2012/09/05/8924; new roof deck with retractable skylight for stair access.

ACTION: Upon motion by President Lazarus, the Board voted 4-0 to deny the jurisdiction request.

SPEAKERS: Jeremy Paul, agent for requestor; Melinda Sarjapur, attorney for permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 14-146**

GEORGE & MYRTA MATULA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1410 Stanyan Street. Protesting the ISSUANCE on August 07, 2014, to KM 26th Street Properties LLC, of a STREET IMPROVEMENT PERMIT (construct new 15' wide concrete sidewalk and concrete curb per City standards to provide a walking path from Clarendon Avenue to access the subject property). PERMIT NO. 14IE-0730. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Steven Williams, attorney for appellants; Mark Brand, agent for permit holder; Nick Elsner, DPW.

PUBLIC COMMENT: James Scanlan, Charles Hsu, Linda Lyons and Arnold Rotbert spoke in support of the appellant.

(12) **APPEAL NO. 14-175**

PHILLIP ACHILLES, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	819 Ellis Street. Protesting the ISSUANCE on October 01, 2014, of a Notice of Violation & Penalty (regarding the operation of an unauthorized tourist hotel at the third floor of the parking garage). FOR HEARING TODAY.

ACTION: This matter was withdrawn prior to hearing.

(13) **APPEAL NO. 14-176**

JASON BLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	731 Commercial Street. Protesting the ISSUANCE on October 03, 2014, to Charity Cultural Services Center, of an Alteration Permit (add 4 risers stair between 731 and 731 and provide improved entrance accessibility to 731; new doors to match wood existing and to include power door assist). APPLICATION NO. 2014/09/30/7675. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to continue this matter to January 21, 2015 to allow the Department of Building Inspection (DBI) time to conduct a site visit

to verify what Americans with Disabilities Act (ADA) requirements DBI has imposed on the permit holder.

SPEAKERS: Jason Bley, appellant; Mel Lee, agent for permit holder; Duke Crestfield, agent for permit holder; Kevin Ding, agent for permit holder; Corey Teague, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Constant Suen spoke in support of the permit holder.

(14) **APPEAL NO. 14-188**

CRIS & TINA IBARRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	41 Lake Street. Protesting the ISSUANCE on November 10, 2014, to Kyle Patterson, of an Alteration Permit (remove existing foundation at west property line and construct new compliant foundation - install new anchor bolts & plywood (voluntary) at new foundation and wall above). APPLICATION NO. 2014/08/29/5065. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the appeal and condition the permit by: (1) adding 39 Lake Street to the permit address; and (2) adopting revised plans dated December 17, 2014.

SPEAKERS: Patrick Buscovich, agent for appellant; Cris Ibarra, appellant; Kyle Patterson, permit holder; Joseph Duffy, DBI;

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 9:15 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for December 24, 2014, December 31, 2014, or January 07, 2015. The next regular meeting is scheduled for **WEDNESDAY, JANUARY 14, 2015**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **December 19, 2014**

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